LOK SABHA
DEBATES

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LOK SABHA SECRETARIAT
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CONTENTS

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No. 26, Tuesday, August 22, 1978/Sravana 31, 1900 (Saka)

	Columns
Motions for Adjournment re. Reported Collection of large sums of money by Shri Kantibhai Desai during elections to State Assemblies	1—25
Constitution (Forty-fifth Amendment) Bill—	25—347
Consideration of Clauses 45 to 49	25—289
Voting on Clauses 2, 3, 8, 9 and 11	289—347
Statement re. Bonus—	
Shri Ravindra Varma	348

LOK SABHA

Tuesday, August 22, 1978/Sravana 31, 1900 (Saka)

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

MOTIONS FOR ADJOURNMENT RE. REPORTED COLLECTION OF LARGE SUMS OF MONEY BY SHRI KANTIBHAI DESAI DURING ELECTIONS TO STATE ASSEMBLIES

(*Interruptions*)**

MR. SPEAKER: Please do not record.

(*Interruptions*)**

MR. SPEAKER: I am giving my ruling.

(*Interruptions*)**

Notices of motions for adjourning the listed business of the House had been given by S/Shri K. Lakkappa, C. K. Chandrappan, Eduardo Faleiro, Saugata Roy, Vasant Sathe and Vayalar Ravi to discuss the newspaper reports that Shri Kantibhai Desai, the son of the Prime Minister had collected large sums of money on behalf of Janata Party during the general elections for some of the State Assemblies. In support of their version, some of the newspaper cuttings have been produced before me.

Published news items do not disclose that Shri Kantibhai Desai had used governmental machinery for collecting funds, nor do they show that he had committed any illegality in collecting the funds. They also do not show that the Prime Minister had anything to do directly or indirectly with the collection of funds.

Collection of funds for political purposes without infringement of law is not an offence. If in collecting the funds Shri Kantibhai Desai had infringed any of the legal provisions then recourse to law is the proper course.

The collection of funds for political purposes by those in power as well as those near the seat of power is likely to give rise to suspicion that there might have been misuse of official power or position. This is a poltical question. Solution to such issues must be found either by enacting necessary laws or by developing appropriate conventions. This is not a matter for me. I have to take the things as they are. (*Interruptions*)**

MR. SPEAKER: Do not record.

(*Interruptions*)**

For the reasons mentioned above I am unable to accord by consent to the motions. The motions under Rules 184, 197 and 377 are under my consideration.

(*Interruptions*)**

MR. SPEAKER: Shri Hukamdeo Narain Yadav.

(*Interruptions*)**

MR. SPEAKER: There cannot be a point of order on my ruling. Shri Hukamdeo Narain Yadav.

(*Interruptions*)**

**Not recorded.

MR. SPEAKER: Nothing will be recorded.

(*Interruptions*)**

MR. SPEAKER: Probably you have not understood my ruling. My ruling says that the motions under rules 184, 197 and 377 are under my consideration.

(*Interruptions*)**

MR. SPEAKER: Nothing is being recorded. I am not hearing anybody.

(*Interruptions*)**

MR. SPEAKER: Order, order. I have heard you enough. Every second of ours is very valuable to the country. We are spending about Rs. 500 per second. (*Interruptions*) Why don't you hear me? I have heard you for 20 minutes. (*Interruptions*) Somebody is complaining that I am going by the Rules. No Speaker can deviate from the Rules. If he does it.... (*Interruptions*) I have got to go by the Rules and I have been trained to go by the Rules. I have lived by the Rules and I will live by the Rules. (*Interruptions*) All of us must go by the Rules. There are other ways of.... (*Interruptions*) There are Rules and Procedures. Why don't you examine the Rules and go according to the procedure?

(*Interruptions*)**

MR. SPEAKER: No point of order. I am not allowing anybody. No submissions. How could I hear? You don't hear me. I have said that a Motion under rule 184 is there. The best way of discussing this matter is through a Motion under rule 184. Tomorrow, the BAC is meeting. That is the question.

(*Interruptions*)

MR. SPEAKER: I have no power to allow you to do anything. You know the rule. I can only admit it. It is for the BAC to find time.

(*Interruptions*)

SHRI VASANT SATHE (Akola): It is the BAC which is concerned, when it is about an adjournment motion.

MR. SPEAKER: I have disallowed your adjournment motion.

(*Interruptions*)

SHRI VASANT SATHE: Why?

MR. SPEAKER: Please....I am not here to answer you.

SHRI VASANT SATHE: You said you were helpless.

MR. SPEAKER: I think you are seeing your own picture in the mirror.

(*Interruptions*)

MR. SPEAKER: Please....kindly don't interrupt. Please hear me. I have said in my order that your rule 184 Motion is under consideration. I am admitting the rule 184 Motion. I am placing it before the BAC tomorrow. This is not a matter that can be discussed in an adjournment motion.

(*Interruptions*)

MR. SPEAKER: No. BAC is there. All your representatives will be there. I am quate sure BAC will find time to discuss it.

SHRI MALLIKARJUN *rose*—

(*Interruptions*)

MR. SPEAKER: Nothing more. I am not allowing anybody. Don't record.

(*Interruptions*)**

MR. SPEAKER: If each Member gets up and says: "Unless you obey my orders, I will not allow you to function", this House will never function. I have told you what I am trying to do. But I will never compel the other

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**Not recorded.

side to say, under threat: "I will agree" or "I will not agree."

(*Interruptions*)

SHRI VASANT SATHE: You are throwing us at their mercy.

MR. SPEAKER: I am not throwing. At all times I have tried to persuade the BAC, whenever you wanted a discussion. BAC has invariably agreed. BAC has always respected my opinion, whenever I suggested it. Uptil now I have not found any difficulty. You know I have persuaded the BAC to agree to many of your Motions. The BAC's meeting is fixed for tomorrow.

(*Interruptions*)

SHRI C. M. STEPHEN (Idukki): Could I go on record? Could I make some submission?

MR. SPEAKER: About what?

SHRI C. M. STEPHEN: About what you said now. Not about your ruling. If you allow it to go on record, I will make the submission.

MR. SPEAKER: Yes.

SHRI C. M. STEPHEN: The point is this: you will kindly appreciate the feelings on this side, and the feeling of large sections of the Members of the House and outside, ever since this session started

SOME HON. MEMBERS: No.

SHRI C. M. STEPHEN: Ever since this session started.... (*Interruptions*) This House has got certain responsibilities. The responsibility is not merely to pass the Bills. We have got some other responsibilities also. Certain things started when this session started functioning. We have been, from the very start, asking for a discussion on the circumstances under which some Ministers left, but nothing had happened. Finally, 2 letters were placed here. I gave a notice under rule 193, and I wanted a discussion on it, i.e. that the letters placed on the Table of the House be taken into consideration. For 2 weeks now this has been pending. I pleaded with the BAC. The other Opposition Members also pleaded with the BAC that time may be given. Time has not been given. Now this question of corruption came and... (*Interruptions*)

MR. SPEAKER: Please hear.

SHRI C. M. STEPHEN: An adjournment motion has been given notice of. I do not want to comment about it, I want only to say that we are not satisfied with the ruling. That is all I have got to say. I don't want to comment upon it. Now you say, you are considering a motion under rule 184, you are considering rule 377, you are considering all these matters and we must wait until the consideration is over, though it is such an urgent matter. You say, we must wait until the BAC gives its finding and gives time. This is a awaiting which will not yield any benefit at all as far as we are concerned. You and the Government can tell us that we will get time to discuss this matter. Government can just now tell us that they will make time available immediately to a discussion under rule 184. If that assurance is forthcoming, then of course we can be satisfied with that, because the discussion is coming forward. The Government keeps it within themselves. The whole matter depends on the BAC. The opposition is in a minority in the BAC. Opposition asks for time and time is not given. This is our experience. We cannot put our faith in the BAC to give time for us. If the Minister of Parliamentary Affairs gets up and says that in view of the feelings of the opposition and the urgency of the matter, it will be discussed, then that may be accepted as a substitution of the adjournment motion. This is what I have got to say.

I am extremely sorry that we are functioning in a manner as if Parliament has become irrelevant with refe-

[Shri C. M. Stephen]

rence to the things that are happening outside. You say, let us go on to, some business. According to us, this is the major business. Bills can be passed. It can take its own time. This is the major business and I demand that time must be given to transact this major business. Otherwise, we have no interest in the other business. (*Interruptions*)

MR. SPEAKER: The Leader of the Opposition appears to have made certain allegations saying that BAC has not been giving sufficient opportunity for the motions moved by the opposition. (*Interruptions*) I am on my legs. I am explaining the position of the BAC. You are not explaining the position of the BAC. The Leader of the Opposition has overstated his case. In fact, practically every one except one of the motions he has given notice of, the BAC has agreed. BAC immediately found time. BAC has not only found time but BAC recommended that we shall sit on Saturday and discuss the matter. They gave the fullest opportunity for discussing the matter and it is not correct to say that they did not give time. Even the present motion which is pending could have been appropriately discussed last Saturday. It was up to them not to discuss it. (*Interruptions*) I am on my legs. I have never found the BAC disagreeing whenever I have made the recommendation. But I do not want to compel anybody to say anything. I have got my confidence when I place something before the BAC it will give weight to my opinion. Last time when Mr. Stephen came to me, I told him, "I will persuade the BAC to accept it." I was able to persuade the BAC. On the other occasion, I told him.... (*Interruptions*) No, that will be a bad precedent....

SHRI VASANT SATHE: Why do you want to persuade the BAC? Why can't you persuade the whole House?

MR. SPEAKER: I have been repeatedly noticing Member after Member getting up and saying, "Unless you agree, I will obstruct it". This is not the proper way. This way Parliament can never function. When the Speaker gives his ruling.... (*Interruptions*) The House must be satisfied with what I have said.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): We would also like to be heard.

MR. SPEAKER: I will call you after Mr. Gopal.

(*Interruptions*)

MR. SPEAKER: I have called Mr. Gopal. It is up to me to select the speaker.

SHRI K. GOPAL (Karur): I am really thankful that you are considering motions under rule 184. You have also said that you will try to persuade the BAC to listen to your advice. To that extent we are happy. If you had only said it in the beginning, you would have taken the wind out of the sails.

MR. SPEAKER: You never allowed me to say anything at all.

SHRI K. GOPAL: When I said that you cannot go strictly by the rules, I did not mean to cast aspersion on the Chair. For example, there are certain rules under which Members take protection. They say, we have got a right to raise certain matters. For example, one day Mr. Sathe was to raise certain matters in the House. Mr. Raj Narain gave notice to exercise his right to make a statement. But what happened subsequently was, for reasons best known to them, they did not exercise their rights. I am not here to defend either Mr. Sathe or Mr. Raj Narain. For example, it is the privilege of a Member who has resigned from the Council of Ministers that he can come before the House and make a statement. All

right. But he cannot exercise that privilege to go on threatening the Prime Minister, "If you do not make somebody a minister, I will make a statement tomorrow". So, also, Mr. Sathe withdrew his motion. I do not know why he withdrew his motion. That also I disapprove of. In matters like this, you know very well that yesterday itself many Members have given notice of adjournment motions, motions under rule 184 and so on. If only you had called us and told us, "This is what I propose to do", there is nothing wrong and this situation would have been avoided. What I request you is, when I say that rules are there, rules must be there, but canons or propriety and discretion of the Speaker also should be there along with the rules. This is my only submission.

श्री राज नारायण (राय बरेली): श्रीमन्, माननीय सदस्य ने हमारे ऊपर आक्षेप लगाया है यह कह कर कि राज नारायण प्रधान मंत्री को बाध्य कर रहे हैं कि हमारे दल के इन-इन मिनिस्ट्रों को ले लें । यह बिल्कुल गलत है, बेबुनियाद है, द्वेष पूर्ण है । राज नारायण की यह आदत नहीं है कि कहीं हाथ पसारे । आपने राज नारायण को ऐसा कह कर राज नारायण का अपमान किया । इस को आप वापस लीजिये । राज नारायण कहीं मांगने नहीं जाते ।

MR. SPEAKER: The hon. Minister.

(*Interruptions*)

MR. SPEAKER: I have called the Minister.

SHRI RAVINDRA VARMA: Mr. Speaker, you have been witness to the fact that for the past nearly one hour hon. Members on the opposite side...

SHRI JYOTIRMOY BOSU (Diamond Harbour): 45 minutes!

SHRI RAVINDRA VARMA: I know the hon. Member's interests in statistics, but sometimes there is also some virtue in being interested in other things. Mr. Speaker, we have been witness for the past nearly one hour to the expression of intense feelings on the part of many hon. Members of the opposition. But you and the House have also witnessed the fact that the hon. Members on this side have been observing silence and order. (*Interruptions*). We listened to the hon. Leader of the Opposition and other hon. Members of the opposition. The mere fact that we constitute a majority in the House does not disqualify us from being heard. The fact that hon. Members from this side of the House constitute a majority in this House does not mean that they are second class Members of this House. If hon. Members opposite have a right to speak, so do hon. Members on this side of the House. The hon. Members on the opposite side know very well.... (*Interruptions*) Of course, I will speak... (*Interruptions*) It is a strange situation.... (*Interruptions*) If the hon. Members of this side are not allowed to speak. The parliamentary game is a game in which both sides play, and both sides can play.... (*Interruptions*) I have listened with great respect to the observations made by my good friend, the hon. Leader of the Opposition. I am greatly amazed at some of the observation which the Leader of the Opposition has made. You, Sir, have been pleased to deal with some of the points which the hon. Leader of the Opposition made, especially the points that related to the Business Advisory Committee. I do not, therefore, want to repeat what you, Sir, have said. But I think it is my responsibility, as the Minister of Parliamentary Affairs, to point out to the fact that it is a totally baseless allegation that the hon. Leader of the Opposition has made.... (*Interruptions*) I will not yield. Just as the hon. Leader of the Opposition was heard, I must be heard. I will not yield... (*Interruptions*) Sir, as I said, the hon. Leader of the Opposition

[Shri Ravindra Varma]

chose to make totally baseless observations... (*Interruptions*)

Every time the matter has been brought up before the BAC, and the Government have been asked to provide time, even at the cost of business which the Government regarded as extremely important, the Government has gone out of its way to find time. If you look at the time allotted. ... (*Interruptions*) I am not going to be shut out; I will make it very clear. I will have my say. Sir, only you can ask me to sit down, and not the Members opposite.... (*Interruptions*) If you look at the time that the hon. House has spent in discussing different matters during this session, you will find that almost a lion's share of the time has been spent on motions or discussions proposed by the hon. Member opposite to the extent..... (*Interruptions*) I can give oyu the list. You can look at the list and see it for yourself... (*Interruptions*) the extent of important business of the House, legislative business of the House, suffering, including the Constitution Amendment Bill. Hon. Members opposite know that we have been sitting day by day to get through this amending Bill. I wonder whether some of them are eager to see that the Bill is passed. If they were, they would not have raised this matter, as they have done.... (*Interruptions*)

I was born in Kerala and I am very familiar with Kathakali Mudras.... (*Interruptions*) It was stated that this matter, which the hon. Leader of the Opposition referred to is a matter that has been agitating the minds of some of the hon. Members opposite and the country and, therefore, there should be a discussion on that. As you have rightly recalled, the BAC agreed specially to sit on a Saturday when an omnibus motion was sought to be moved in the name of the hon. Shri Sathe. I do not know..... (*Interruptions*) I do not know whether wiser counsel prevailed with Mr. Sathe, or political tactics prevailed with Mr. Sathe or he plainly funked the House. (*Interruptions*) On top of it, for the hon. Member opposite to get up and say that the Government or the Business Advisory Committee did not find time for him is a gross travesty of truth and an insult to the House. The entire House assembled here, sat here and waited for him to listen to the hon. Member. The hon. Member disappeared from the House. (*Interruptions*) The fact that there is an opposition in the House and the Leader of the Opposition in the House does not mean that the people have given a veto to them, and power to us.

12.00 hrs.

The hon. Leader of the Opposition went on to say, "We must find time to discuss this" after your ruling on the adjournment motion. It is entirely your privilege and prerogative to give a ruling. Your ruling cannot be challenged... (*Interruptions*)

SOME HON. MEMBERS: Ha, ha.

SHRI RAVINDRA VARMA: No amount of "Ha, ha" will affect me. "Ha, ha" can be answered with "Hi. hi". (*Interruptions*) Perhaps, we should say "Shi, shi" to them, not "Hi, hi". (*Interruptions*)

Sir, it is your prerogative to give a ruling on the adjournment motion. You in your wisdom have given a ruling; we have accepted your ruling. If anybody wants to make any submissions to you, that can be done in the manner in which it should be done, not by obstructing the business of the House. There are other ways of expressing protest, or urging you to reconsider your decision.

Then, as you very rightly pointed out, we hear threats so often that threats have lost their effect on us. They go on saying, "Unless this is done, unless that is done, unless there is a discussion on this or that, we will

not allow the business of the House to go on." Iam amazed that this is the attitude of some hon. Members of the House. (*Interruptions*)

The Leader of the Opposition said that we have been functioning in a manner as if Parliament is becoming irrelevant. I wonder whether this is his considered opinion. (*Interruptions*)

MR. SPEAKER: Mr. Mallikarjun, I am appealing to you not to disturb the proceedings of the House. If you continue to do it, you are compelling me to name you. I do not want to do it. I warn you. Please don't disturb the proceedings of the House.

SHRI RAVINDRA VARMA: We also sometimes wonder whether there is any effort to make Parliament irrelevant, to make Government irrelevant. The hon. Leader of the Opposition went on to say that he had no interest in any other business. What a strange self-incriminating confession! (*Interruptions*) For the hon. Leader of the Opposition in a Parliamentary democracy to get up and say that they have no interest in any other business is something on which nobody need make any comments. It is self-evident.

As far as finding time for a discussion of this is matter concerned, as you have said, it is for the Business Advisory Committee to consider this. One hon. Member said, 'Let this House consider it because the Business Advisory Committee is a committee of the House'. Is it being suggested that it should be put to the vote of the House whether time should be provided? (*Interruptions*) My good friend, Mr. Saugata Roy, knows that I am the last person to be provoked by anyone, especially by him. (*Interruptions*) Therefore, what I was trying to say is that such matters like providing time for a subject is not subjected to the vote of the House on the spot. There must be full consideration of all aspects, including the time schedule. That is why, it is never put to the vote of the House. Sir, you in your wisdom have suggested that this matter may be taken up in the Business Advisory Committee. When it comes up before the Business Advisory Committee, we will give due regard to the feelings that the hon. Members opposite have expressed, and we will try to do our best.

SHRI MALLIKARJUN (Medak): Sir, I rise on a point of order.

MR. SPEAKER: What is your point of order?

SHRI MALLIKARJUN: I refer to rule 376, which says:

> "A point of order shall relate to the interpretation or enforcement of these rules or such Articles of the Constitution as regulate the business of the House..."

The Article concerned is the Fundamental Right of the citizens, the right to equality, in relation to Mr. Kanti Desai....

MR. SPEAKER: It is not a point of order. Do not record him any more.

(*Interruptions*)**

SHRI C. M. STEPHEN: You allowed Mr. Mallikarjun to raise a point of order, and once it has been allowed, if it is to be expunged, it has to be under a certain rule. You can hold that it is not a point of order, you can overrule that. But both must come on the record: his statement must come on the record, and your ruling must come on the record...

MR. SPEAKER: Both have come.

**Not recorded.

SHRI C. M. STEPHEN: There are certain Rules of Procedure. Once you give the floor to a Member, what the Member says must go on record, except that part of it which is either defamatory or incriminatory which you can expunge. Beyond that nothing can be expunged. Whatever Mr. Mallikarjun submitted with your permission must go on record and you can say, 'I hold this is not a point of order and I overrule it.' That also must go on the record but your saying, 'Don't record' even after he has taken your permission is not correct.

MR. SPEAKER: You have misunderstood me. Mr. Mallikarjun has again and again raised points of order. He said that there is a breach of the rule of equality. I said, 'It is not a point of order.' This is what I have said.... (*Interruptions*)

SHRI C. M. STEPHEN: You said, 'Don't record'.

MR. SPEAKER: No, no. Upto that it will go.... (*Interruptions*)

Now we go to the discussion of the Constitution Amendment Bill.

Shri Hukumdeo Narain Yadav.

SHRI VASANT SATHE: What is your decision on this discussion? ... (*Interruptions*) We want to know your decision.

MR. SPEAKER: The Business Advisory Committee will consider it.

SHRI VASANT SATHE: When are they going to sit?

MR. SPEAKER: Mr. Hukumdeo Narain Yadav.... (*Interruptions*) You have got to raise your voice a little.

SHRI VASANT SATHE: I am sorry I do not agree to continue on this.... (*Interruptions*)

MR. SPEAKER: Mr. Hukumdeo Narain Yadav, you please come to the front.... (*Interruptions*)

श्री हुकम देव नारायण यादव (मधुबनी): अध्यक्ष महोदय, संविधान (संशोधन) विधेयक पर जो चर्चा चल रही है, ... (व्यवधान)

SHRI MALLIKARJUN: Let the House adjourn. This is a matter of very great sensitivity concerning the people of the country.

श्री हुकम देव नारायण यादव : अध्यक्ष महोदय, अभी जो हमारा संविधान (संशोधन) विधेयक चल रहा है. ..... (व्यवधान)

SHRI VASANT SATHE: What is it that is going on? We are not going to listen to this. We will not listen. We are sorry for this. We have made a submission to the Speaker. We want to know whether this issue of growing corruption at high levels is going to be discussed or not. Otherwise, with all humility I beg to submit that we will not co-operate with these people. We respect you, Mr. Speaker and again I will say, we respect you.

MR. SPEAKER: You are not respecting me.... (*Interruptions*)

Nobody can dictate to me...

SHRI VAYALAR RAVI (Chirayinkil): On a point of order, Sir.

MR. SPEAKER: What is your point of order?

SHRI VAYALAR RAVI: My point of order arises under Rule 186.

Sir, in your wisdom you have just announced that you are calling the BAC to meet to discuss and find sometime for discussion of the motion under Rule 184. Rule 186 says very clearly that it shall raise substantially one define issue. That definite issue has been given in the motion. I am not going into the merits of the case but that is the statement made by Mr. Madhu Limaye as well as confirmed by Mr. C. B. Gupta. That is about the collection of Rs. 90 lakhs. That collection, of course, is a definite issue. It can be confined to a discussion provided 2 or 3 ingredients are added with it.

That is one thing. Collection of funds—from whom? Then, who are the persons who gave the money? Number (2) is whether these persons....

MR. SPEAKER: What is your point of order?

SHRI VAYALAR RAVI: I am coming to it in one second. I want to know whether these persons have done it legally or not. Naturally, the House is entitled to know first the names of the people who have given the money. Then only it can become a definite issue. When a definite issue comes, the House knows whether the persons donated the money. Then only it will become a definite issue.

MR. SPEAKER: Are you saying that your motion is invalid?

SHRI VAYALAR RAVI: I am requesting you, Mr. Speaker, to please hear me and then give a direction in the matter.

MR. SPEAKER: That is not the point of order. (*Interruptions*) All of you will please sit down. If it is your object that the Constitutional Amendment Bill should not be discussed then I have nothing to say. I thought that this was the most important business of the House.

SHRI VASANT SATHE: Would the Government agree for a discussion?

MR. SPEAKER: I for one am not a party to the dictation.

SHRI VASANT SATHE: If they agree to discuss this evening, I assure you that we will cooperate with the Constitutional Amendment Bill of the Government.

MR. SPEAKER: I may tell you that I shall not be a party to the dictation either on this side or that side. The rules should be followed. If you cannot do that, dictation will repeatedly go on. I have many times heard it said that 'unless you hear me and unless you decide in favour of, me I am not going to allow.' I shall not be a party to the dictation. (*Interruptions*) I know how my ruling is accepted. When the Speaker makes a statement that he will try to persuade the Committee you should accept this. (*Interruptions*) I won't allow any attempt to discuss anything other than the Constitution Amendment Bill. Shri Hukam Dev Narayan Yadav.

श्री हुकम देव नारायण यादव : अध्यक्ष महोदय, संविधान संशोधन . . . . .

(व्यवधान)

MR. SPEAKER: I appeal to you, Mr. Leader of the Opposition to restrain your Members. Otherwise, I am sorry, I do not mind taking action. You know by nature I am very patient. I do not want to create a bad precedent in the House.

SHRI C. M. STEPHEN: Now that you have said this, I am also sorry. I would like to make a submission.

MR. SPEAKER: We have discussed it enough.

SHRI C. M. STEPHEN: Now that you have said this...

SHRI K. LAKKAPPA: Because they have made a certain mistake. And yet may I make a submission?

MR. SPEAKER: Mr. Lakkappa saw me this morning. I told him that I will consider 184. I thought that he was satisfied. Now everybody wants to make some statement.

SHRI K. LAKKAPPA: I am telling the entire House that the hon. Minister of Parliamentary Affairs did not clarify on the exact subject-matter to be discussed.

MR. SPEAKER: That is because it depends upon the notice.

SHRI K. LAKKAPPA: I am putting it correctly.

MR. SPEAKER: Mr. Lakkappa, nobody can do that. That depends upon the motion.

SHRI R. V. SWAMINATHAN (Madurai): You ask the Minister whether it may be taken up tomorrow.

MR. SPEAKER: The Business Advisory Committee is meeting tomorrow. (*Interruptions*)

SHRI C. M. STEPHEN: I have only one appeal to make. Now that you referred to me, I am standing.

MR. SPEAKER: I will hear you if you want.

SHRI C. M. STEPHEN: Now that you have referred to me, I am rising to make a submission. The point is this. You have stated that it will go to the Business Advissory Committee. But you know that under the rules the time has got to be given by the Leader of the House. This is what the rule says:

> "That it has to be in consultation with the Leader of the House".

This is entirely the business of the Committee. (*Interruptions*) Sir, it was very uncharitable to make an insinuation that we are obstructing passing of the Constitution Amendment Bill. (*Interruptions*)

I am now stating that there is a difficulty in the House and I am only trying to find a solution for that. (*Interruptions*)

The point is we do not want to obstruct anything at all. What I want to submit is that this is a matter of very serious importance as far as we are concerned. You have agreed that you will take it up in the Business Advisory Committee. It is possible for the Minister to say that he will agree to get time otherwise taking it to the Business Advcisory Committee is useless. But I heard the Minister saying that he will be helpful to us in this matter. On the basis of that and in the expectation that we will get an opportunity at least tomorrow....

MR. SPEAKER: Not tomorrow. The Business Advisory Committee is meeting tomorrow and then the date can be fixed.

SHRI C. M. STEPHEN: Can you not call Business Advisory Committee meeting today? We are very insistent that we must have a discussion but we do not want to block the business before the House. In that sense I would appeal to my friends to agree to carry on the discussion here, to cooperate with the government in the discussion but I want to make it very clear that we are very insistent to have a discussion tomorrow. Rule 190 says:

> "The Speaker may, after considering the state of business in the House and in consultation with the Leader of the House, allot a day or days or part of a day for the discussion of any such motion."

After discussing with the Leader of the House you allot us time tomorrow. It need not necessarily go to Business Advisory Committee. It is upto you to fix up the time. I request you to fix up time tomorrow. (*Interruptions*)

SHRI SOMNATH CHATTERJEE (Jadavpur): Mr. Speaker, Sir, yesterday on your wise suggestion it was decided to go without Question Hour because we wanted to utilise this one hour in discussing and passing the Constitution Amendment Bill as soon as possible.

Sir, this House has been busy in trying to dismantle the authoritarian regime that had been set-up....

(*Interruptions*)

MR. SPEAKER: Let us utilise the time for the Constitution Amendment Bill.

Now let us not take up any other issues.

(Interruptions) **

MR. SPEAKER: Don't record it. Order please.

Let us not take up other matters. Do you think your voice can drown everything? Let us not take up any other matter just at present. There are other opportunities for taking up this matter. You need not take up this matter at this stage Let us proceed with the discussion.

(Interruptions) **

I am on my legs. Shall we proceed with the Constitution Amendment Bill? All of us are interested. Today already you have wasted 1 1/2 hours.

(Interruptions) **

MR. SPEAKER: Order, order. I am appealing to every Member not to make the Parliament a laughing stock....Some Members may be interested in making this Parliament a laughing stock, others even unconsciously should not contribute to it. Ultimately, the Parliament suffers in its dignity. Physical demonstration and all sorts of demonstration is totally unwarranted in the Parliament.

The language used must be appropriate language.

A criticism is not an abuse....In Parliament, you have a right to criticise. You cannot shout because you are hurt. I am sorry for the demonstration that has taken place in the House. I am extremely sorry and I appeal to you again and again to behave properly. If you do not listen to my appeal, this House will become a laughing stock. You have held to ransom....Mr. Mallikarjun. I have warned you enough....You have wasted one and a half hour of public time....There are methods and rules to be followed; you have ignored all that. I am not blaming one or the other. There seems to be an attempt to see that the work of the House does not proceed. I will never be a party to it; I am prepared to be thrown out, but I am not going to allow this. If anybody dictates to me that I should do anything here and now, I shall say: No. My reaction is a negative to such things.

I shall only go by the rules. I am not concerned with this side or the other side. I have taken a vow to be impartial and I shall try to be impartial to the best of my ability and to the extent possible, I am helpful to the opposition....

SHRI MALLIKARJUN: On a point of order.

MR. SPEAKER: The point of order is about naming you. I warn you.

(Interruptions)

MR. SPEAKER: The point of warn you. If you get in the way, I am going to name you....

(Interruptions)

MR. SPEAKER: Please; let us not add to it. Let us not add to what has taken place. Anybody trying to obstruct the proceedings of the House—I am trying my best to see that I should not name anybody; but even my patience has a limit. Some individuals have so behaved, I do not know if I have to ignore all the rules. I have been a Judge. I have developed certain temperaments. I want to retain those temperaments. But it is becoming difficult day after day. The choice may be, sometimes, either to quit or to take to the rules.

PROF. P. G. MAVALANKAR: Which rules?

(Interruptions)

**Not recorded.

MR. SPEAKER: I warn everybody. If I am not wanted by the House, I will not stay here for one minute more. But no one will compel me. I assure you, the moment I feel that the House, does not want me, I will be the first to quit. (*Interruptions*) But I shall not run away. I shall not run away. That much assurance I give you.

If anybody misbehaves, upto a point I will tolerate; beyond that point I will not tolerate Now I am calling upon Mr. Chatterjee to go en.

SHRI MALLIKARJUN *rose*—

(*Interruptions*)

SHRI C. M. STEPHEN: You made an appeal. We agree that the House may go on. What then remains? We agree that the proceedings of the House should go on.

SHRI SOMNATH CHATTERJEE *rose*—

MR. SPEAKER: Mr. Chatterjee, the Leader of the Opposition says that his party has accepted my suggestion. Therefore, let us go on to the Constitution Amendment Bill.

SHRI SOMNATH CHATTERJEE: Half-a-minute, Sir, about what you have said now. I hope it will be accepted by all the sections of the House in the proper spirit. I do not wish to raise anything, except to say that let us proceed as seriously as possible with the passing of the Constitution 45th Amendment Bill. Before I sit down, I want to express my view that I treat with the grossest of contempts, what Mr. Sathe has said about me. I hope it willl be expunged in full (*Interruptions*)

SHRI VASANT SATHE: I do the same about him. I do the same about him.

MR. SPEAKER: I have not been able to hear things at that time. If there is any contemptuous expressions, I shall certainly go into that matter and expunge them.

SHRI C.M. STEPHEN: Then I want to go on record as saying that Mr. Bhattacharya waved the chappal here on the floor of the House. He showed the chappal here. (*Interruptions*)

SOME HON. MEMBERS: No.no.

SHRI C. M. STEPHEN: He showed the chappal. That must go on record. Let it go on record. (*Interruptions*)

SHRI JYOTIRMOY BOSU: No. (*Interruptions*)

SHRI DINEN BHATTACHARYA: Mr. Sathe, I tell you; you do not have the courage to face me.... (*Interruptions*)** .... (*Interruptions*) I will tell you....

SHRI VASANT SATHE *rise*—

SHRI P. RAJAGOPAL NAIDU: What Mr. Bhattacharya has said, may please be expunged.

SHRI RAVINDRA VARMA: I assure our cooperation in maintaining order and harmony in this House; but I would also like to appeal to you to look through the records, because in the midst of the din, I understand some obscene words have been used. They should be expunged we hope you will look through the records.

MR. SPEAKER: I will go through the entire records. Whoever has observed any obscene or unparliamentary or defamatory things, those things will be expunged.

SHRI VASANT SATHE: All obscene things should go.

**Expunged as ordered by the Chair.

MR. SPEAKER: Not their physical demonstrations.

(Interruptions)

SHRIMATI PARVATHI KRISHNAN *rose*—

MR. SPEAKER: Madam, are you all not interested in seeing that we go on? Please. Now Mr Hukmdeo Narain Yadav.

—

12.40 hrs.

CONSTITUTION (FORTY-FIFTH AMENDMENT) BILL—*Contd.*

Clause 45

(Amendment of article 368).

श्री हुकम देव नारायण यादव (मधुबनी): अध्यक्ष महोदय, संविधान में जनमत संग्रह करने के प्रावधान के सम्बन्ध में धारा 45 में मैंने तीन संशोधन दिये हैं। इस संशोधन के क्रम में बहुत से सदस्यों ने अपनी बात कही है।

कल जब सदन में इस पर चर्चा चल रही थी, तो बहुत से सदस्यों ने इस पर अपनी राय जाहिर की। मैं भी इस राय का हूं कि इस में जो प्रावधान किया गया है कि जो संशोधन संविधान के धर्म निरपेक्ष और लोकतांत्रिक चरित्र को हानि पहुंचायेगा --इसी प्रकार की और दो, तीन बातें दी गई हैं---उस संशोधन के बारे में जनमत संग्रह कराया जाये। मैंने यह संशोधन दिया हूं कि धर्म निरपेक्ष और लोकतांत्रिक के साथ समाजवाद भी जोड़ दिया जाये।

इस में प्रावधान किया गया है कि जो जनमत संग्रह किया जायेगा, उस में भाग लीजिये अगर 51 प्रतिशत मतदाता भाग लेते हैं और उस पर 51 प्रतिशत का आधा अगर इस बात से सहमत हो जाता है कि संविधान में से धर्म निरपेक्ष और लोकतंत्र को हटा दिया जावे तो वह हटा दिया गया मान लिया जायेगा।

मैं विधि मंत्री का ध्यान इस ओर आकृष्ट करना चाहता हूं कि जब हिन्दुस्तान में आपातकालीन स्थिति लागू हुई, तो तानाशाही शासन के अन्तर्गत जो मतदान हुआ उस मतदान में भी श्रीमती इन्दिरा नेहरू गांधी जिस कांग्रेस को नेतृत्व दे रही थीं, उस कांग्रेस को 26 प्रतिशत से ज्यादा मतदान नहीं हुआ।

हिन्दुस्तान में विभिन्न प्रकार के मत, सम्प्रदाय और अल्पसंख्यक हैं। अगर यह कर दिया जाये कि धर्म निरपेक्षता को हटा दिया जाये और हिन्दुस्तान में कभी कोई कट्टरपंथी हिन्दूवादी का आधिपत्य स्थापित हो जाये तो वह संविधान के धर्म निरपेक्ष स्वरूप को बदल सकता है। हिन्दुस्तान की जनता ने भी कभी-कभी गलती की है, लेकिन 1977 में जनता में जागृति आई थी। उसी को भाग्यवंड माना जाये।

जहां तक रैफरैंडम का सम्बन्ध है, हम लोग शुरू से उस के समर्थक रहे हैं। जिन लोगों का डा० राम मनोहर लोहिया के दर्शन में विश्वास रहा है, वे जानते हैं कि जनता सर्वोपरि है, लेकिन लोकमत संग्रह में ऐसा किया गया है कि 51 प्रतिशत से ज्यादा मतदाता अगर उसको सन्तुष्ट करें तभी वह लोक मत संग्रह जायज माना जाये। अगर 51 प्रतिशत से कम लोग उस के पक्ष में वोट देते हैं तो उसको न माना जाये।

इस में यह भी प्रावधान किया गया है कि जो लोक मत संग्रह किया जायेगा, उस के सम्बन्ध में न्यायालय में चुनौती नहीं

[श्री हुकम देव नारायण]

दी जायेगी। एक तरफ हम न्यायालय की की बात करते हैं और दूसरी तरफ हम ऐसा प्रावधान बनाकर न्यायालय को प्रतिबंधित क्यों करते हैं ? जब न्यायालय खुला हुआ है, उस में सभी बातें जा सकती हैं। दुनिया में न्यायालय मंजूर करे या न करे, लेकिन न्यायालय में किसी बात को जाने से रोकना न्यायालय का अपमान है। इसलिये जो जनमत संग्रह हो, उस के परिणाम को न्यायालय में जाने की छूट होनी चाहिये।

अगर कभी ऐसी परिस्थिति आ जाए जनमत संग्रह के द्वारा किसी ऐसे संशोधन का समर्थन हो जाये जिस से अल्प संख्यकों के हितों पर आघात हो तो अगर न्यायालय के दरवाजे को भी बन्द कर देंगे तो उन अल्प संख्यकों को हिन्दुस्तान से बाहर जाना होगा। इसलिए इस प्रतिबन्ध को हटा देना चाहिए कि जनमत संग्रह के परिणाम को न्यायालय में चुनौती नहीं दी जा सकेगी। यदि संविधान के किसी भी अनुच्छेद का उल्लंघन होता है, या नागरिक स्वतंत्रता का हनन होता है, तो हिन्दुस्तान के किसी भी नागरिक को न्यायालय में जाने का अधिकार प्राप्त है। इसलिए जनमत संग्रह के परिणाम को न्यायालय में चुनौती देने का भी अधिकार होना चाहिए। मेरा निवेदन है कि जनमत संग्रह के सम्बन्ध में केवल भावना या सेंटिमेंट के आधार पर नहीं चलना चाहिए, बल्कि तथ्यों को भी देखना चाहिए। आज संविधान में किसी संशोधन के बारे में यह व्यवस्था है कि यदि संसद् में उपस्थित सदस्यों का दो-तिहाई बहुमत और सम्पूर्ण सदस्य-संख्या का 51 प्रतिशत किसी संशोधन का समर्थन करे, तभी संविधान में वह संशोधन किया जा सकता है। वही प्रक्रिया जनमत संग्रह में भी लागू की जानी चाहिए, अर्थात् जितने लोग मतदान करें, उन में से दो-तिहाई और सम्पूर्ण मतदाताओं का 51 प्रतिशत अगर जनमत संग्रह में किसी संशोधन का समर्थन करे, तभी उसे वैध माना जाये। किन्तु 26 प्रतिशत लोगों के विचार को हिन्दुस्तान के लोगों का मत मानना उचित नहीं होगा।

इस लिए मैंने ये संशोधन रखे हैं कि यदि किसी संशोधन से संविधान का धर्मनिरपेक्ष, लोकतांत्रिक तथा समाजवादी स्वरूप विकृत हो, तो उस के लिए भी जनमत संग्रह होना चाहिए, जनमत संग्रह में वोटिंग की प्रक्रिया अथवा पद्धति वही होनी चाहिए, जो संसद् में अपनाई जाती है और जनमत संग्रह का परिणाम को न्यायालय में चुनौती देने पर कोई प्रतिबंध नहीं होना चाहिए। मेरा आग्रह है कि संविधान के मूल ढांचे में परिवर्तन करने की कोई गुंजायश नहीं रहनी चाहिए।

SHRI B. C. KAMBLE (Bombay South-Central): Looking at the provisions of Clause 45, there appears to be some confusion in the mind of the Government as to what portion of the Forty-second Constitution Amendment Act should be retained and what portion should be deleted so far as the amending provisions are concerned.

It seems that sub-clause (1) has been retained, a proviso has been added, and sub-clauses (4) and (5) are being substituted. By virtue of retaining sub-clause(1), parliament in its constituent power can modify, repeal vary, do anything in its power so far as any of the provisions of the Constitution are concerned. When parliament is invested by virtue of sub-clause (1) with the power to vary, amend or modify any provision of the Constitution in its consti-

tuent power, what remains for ratification, what remains for a referendum? Therefore, the provision for referendum is going to be redundant. It will also be a reflection again upon the wisdom of this House when you have retained by sub-clause(1).

Secondly, what is really intended by this provision for a referendum? Is the hon. Minister or the Government of India or the Janata inducing Parliament to say that it can amend these provisions with regard to our secular character and all that by a referendum? In fact, what is intended is that these provisions should not be amended, or if an amendment is necessary, it should become almost impossible. That appears to be the intention, but by virtue of this privisions as it is worded there can be sections, well organised sections of people and a referendum of this nature can be taken up and the republican form of Government, the parliamentary system of Government, the democratic form and secular nature will be knocked out. You are giving an inducement for that, whatever your real intention may be. Kindly think over it a hundred times. Really that is not your intention, but because of defective drafting, that will become possible.

There are two other amendments. So far as the judiciary is concerned, can there be an independent judiciary? Can there be an independent parliament, can there be an independent president? It is absolutely wrong. This parliament should not commit blunder saying that the judiciary is independent. Judiciary has to function with the prescribed limits and those limits are prescribed by the Constitution there is a provision in the Constitution for the separation of judiciary from the executive, but there is no provision for what is called independent judiciary.

Then I come to my another amendment. When you are going to take a referendum, who is to decide on every matter whether it is a provision pertinent to the referendum? You will have to go to the Supreme Court. Therefore, my amendment says, so far as the provisions pertaining to the referendum are concerned, they should be decided by both Houses of Parliament together, and not by any other body. Otherwise, this Parliament will come into a sort of deadlock, there will be again another conflict between the judiciary and parliament and probably we will not be able to function effectively. If you want to avoid any conflict, then the provisions pertaining to the referendum should be decided by both Houses sitting together.

SHRI HARI VISHNU KAMATH (Hoshangabad): Mr. Speaker, after the nauseating, almost exasperating demonstration of parliamentary obstruction that was perpetrated by some of our hon. friends in this House earlier ,it will not be surprising, considering that many of them belong to a party, now parties, which ruled this country for 30 years, it will not be surprising if the people come to the conclusion that, so far as the amendment of the Constitution is concerned, or even other matters are concerned, perhaps they are more competent to deal with those matters than Parliament. I am sorry to say this, and I say this more in sorrow than in anger; Yes, I have to say that the scenes we have witnessed today will be hardly conducive to the development of popular confidence in parliamentary institutions. I almost felt, when I remembered the days of the Constituent Assembly, the First Lok Sabha and the subsequent Lok Sabhas, I thought perhaps today we are witnessing the twilight of parliamentary institutions, at least a decline; I will not say the sun has set over these institutions. It was a very sad sight to witness, and I do hope that better sense would prevail after the magnificent and sagacious ruling and advice that you have given, and I do hope that Parliament will transact the

[Shri Hari Vishnu Kamath]

business of the nation, the work of the nation with greater competence and efficiency.

Having said that, I will say a few words on the amendments which I have moved namely, amendment Nos. 356, 357, 427 and 428. I have no hesitation in saying that this clause 45 is one of the pillars of this Bill of cardinal importance, for making India constitutionally safe; I repeat, constitutionally safe. Democracy cannot be saved merely constitutionally; there should be other sareguards for it outside also, other factors also which make it safe for democracy. But for making it constitutionally safe, this is of the utmost and cardinal importance, and perhaps this is the most important Bill which we are debating in this session. I do hope that the House, under your wise guidance will give earnest attention to every provision of this Bill and there will not be any hustling, any guillotine or bull-dozing, as was done during the moribund Parliament during the emergency, when they bulldozed the 42nd Amendment.

MR. SPEAKER: That was moribund. This is a volcano.

SHRI HARI VISHNU KAMATH: Well, Sir the volcano eruption you have just controlled now. I hope it will not be repeated. You are sitting on the crater; being on the top, at a higher level, perhaps you are on a crater, and I am sure you will control it, and see to it that it would not erupt again.

Sir, at the outset, permit me to say that the earlier amendment in the Forty-Second Constitution Amendment Act substituting or adding the words "Secular and Socialist" was somewhat redundant because, to my mind, democracy, if it is a total democracy, a full-fledged democracy it is political democracy as well as economic democracy and social democracy. If that is so, if democracy includes all these three things, then there was no need for adding these words "Secular and Socialist" in the Preamble of the Constitution. Because "economic democracy" means socialism and "social democracy" includes secularism. To my mind, I have always held that democracy, a comprehensive democracy, a dynamic democracy and a total democracy, Connotes all these three things. Therefore, it was not necessary to add these words "Secular and Socialist". But having added them, if now we seek to delete them, it might create a misunderstanding in the minds of the people that we are anti-Secular and anti-Socialist. So, it is difficult perhaps to delete them now. Therefore, let them remain.

Clause 45 seeks to provide a safeguard against amendment of the basic features of the Constitution.

Parliament can amend under article 368. But besides that, the people also are being empowered. Now some of my friends on the opposite side are opposed to a referendum. Can they really, honestly and sincerely oppose the implementation of the doctrine of "all power to the people"? I would quote only one instance. In November/December, 1960, the Lok Sabha and the Rajya Sabha adopted a Bill called, the Opinion Poll Bill with regard to Goa. There being no word "referendum" in the Constitution, that word was not used. It was called the Opinion Poll Bill on Goa, whether Goa would remain as a separate entity, a separate union territory, or merge with Maharashtra. The ruling party being the most vocal and vociferous in support of the Bill, the House adopted he Bill. There was an opinion poll. The people in Goa, the Goan people, decided that they would remain as a separate

union territory, a separate entity. It was accepted by the House; it was accepted by the Government.

MR. SPEAKER: The same has happened in the United States of America as well as in Switzerland.

SHRI HARI VISHNU KAMATH: I am glad you have thrown some more light on this. I am grateful to you.

PROF. P. G. MAVALANKAR: There was a referendum in U. K on the question of admission of U.K. in the European Common Market.

SHRI R. VENKATARAMAN (Madras South): The hon. Member did not hear my observation. There is a difference between an optional poll and a compulsory poll. The amendment cannot be passed unless it is complusory whereas in other cases it was optional.

MR. SPEAKER: In Switzerland, it is not optional; it is a compulsory.

PROF. P. G. MAVALANKAR: So also in Australia.

SHRI HARI VISHNU KAMATH: That reminds me, Sir, recently the Swiss Government has decided—as you are aware, Switzerland is not a member State of the United Nations—either next year or the year after that, there will be a referendum on the issue whether Switzerland should join the United Nations or not. All this is happening. Now, parliamentary democracy in our country is 28 years old; it has come of age. I do not think anybody can say that it is still in its infancy,—in its swaddling clothes or anything of that kind. I am sure, my friends will agree that it has come of age, and after the last year's elections, I think, there could be no doubt about this.

12.00 hrs.

Some arguments were advanced on the other side of the House that the South today is—handicapped because of the preponderance of the northern States. That happens in all elections..

MR. SPEAKER: Please try to conclude.

SHRI HARI VISHNU KAMATH: This is an important Clause, this is the pillar of the Bill, I will take a few more minutes....

MR. SPEAKER: At least today we must...

SHRI HARI VISHNU KAMATH: We are not responsible for that. One and a half hours were wasted by some other friends.

MR. SPEAKER: I know. Between you and me, I am more responsible than you are.

SHRI HARI VISHNU KAMATH: I would not lay the blame at your door. You had to discharge your duties to the House and to the nation and you did, very rightly, so. As a matter of fact, so many friends this side were talking about punitive fines and all that. I would not go into that.

I would only like to stress one point. Here it is stated:

> "Provided further that if such amendment—
>
> (a) seeks to make any change which, if made, would have the effect of—
>
> (i) impairing the secular or democratic character of this Constitution;"

Having inserted the word 'Socialist', having added the word 'Socialist', in the Preamble, I believe that, along with the words 'secular and democratic', you must have the word 'socialist' also—though when it was suggested in the Constituent Assembly, Pandit

[Shri Hari Vishnu Kamath]

Jawaharlal Nehru countered the argument; when they wanted to include the term 'Socialist Republic' in the Preamble, he said, "Socialism means all things to all men; at least the content of the word 'democracy' is well known"; that is why he preferred the word 'democratic' and not 'socialist'. But having now inserted the word 'Socialist in the Preamble, I think, it is necessary, it is imperative, so far as the basic features are concerned which are sought to be included in the proviso, that it should include also the word 'socialist' besides the words 'secular' and 'democratic'. Of course, there are different kinds of socialism; in European countries, we have got 'Yugoslav socialism'; in Asian countries, we have 'Chinese socialism,' 'Soviet socialism', and so on; then, so far as Communism is concerned, we have Euro-Communism and all kinds of Communism. Even so, having done that, why do you want to exclude the word 'socialist' from this proviso? Having included the words 'secular or democratic character' in the proviso, why do you want to delete the word 'socialist' there? It might create some misgivings in the minds of the people that we are not really socialist. Therefore, my amendment, No. 427, is to the effect, for 'democratic' substitute 'democratic socialist'. It will then read as: "..the secular or democratic socialist character of this Constitution;". After having been approved by Parliament, the amendment must go to the people. I find that there is a misapprehension in the minds of certain Members that we are empowering the people only. It is not so. Parliament will approve of it first and then, besides Parliamentary approval, it will go to the people, and if the people do not approve of it, will not become a law. Parliament is the body which will first approve, and than it will go to the people.

13.04 hrs.

[MR. DEPUTY-SPEAKER in the Chair.]

I have now sought to insert some safeguards so far as a referendum is concerned, and that is in order to meet the objections raised by some friends on the Opposite side—it is a very valid objection that has been raised; 51 per cent of 51 per cent... (*Interruptions*)

MR. DEPUTY-SPEAKER: Mr. Kamath, you must now wind up. Your time is already over. Please wind up.

SHRI HARI VISHNU KAMATH: This is the most important clause of the Constitution.

MR. DEPUTY-SPEAKER: I know that. Everybody wants to speak on important clauses.

SHRI HARI VISHNU KAMATH: Not everybody, Sir. I have given an amendment.

MR. DEPUTY-SPEAKER: Even people who have given amendments are ... I will just count and tell their number ... it is 22. Please conclude now.

SHRI DINEN BHATTACHARYA: He is one of the founding fathers of the Constitution.

MR. DEPUTY-SPEAKER: That is why I am asking him.

SHRI RAGAVALU MOHANARANGAM (Chengalpattu): Each and every clause will have to be considered and the amendments also to be taken into account.

MR. DEPUTY-SPEAKER: That is the whole unfortunate part of it. Still, I request members to be brief.

SHRI HARI VISHNU KAMATH: I will not refer to many other points. I will refer to one or two points only and the others I will leave out.

Now the provision in this Bill is to the effect that at least 51 per cent of the voters should come to the polls and if not less than 51 per cent of the valid votes cast approve a measure, then it will become a part of the Constitution. Now, so far as parliamentary approval is concerned for a Constitution Bill, it is by a special majority —51 per cent plus two-thirds of the members present and voting for it. So I want to make it a little more stringent so far as popular referendum too is concerned. That is why I have said, for '51 per cent of the voters entitled to vote at such a poll', substitute '75 per cent (three-fourths) of the valid votes cast'. 51 per cent of the people must come to the poll and of this 51 per cent, not less than 75 per cent, at least not less than two-thirds should vote for it. I would prefer three-fourths. I would even prefer 90 per cent but that may not be acceptable, practicable. If 3/4th is not acceptable, I would be content with two-thirds: I also feel, Sir, that it would have been better if the modalities of the referendum had been left to Parliament, and we had only the enabling Article in the Constitution that Parliament may by law provide for a referendum. That would have been far better, that would have been less controversial here and that would have been taken care of whenever they came up with it. But, having inserted it in the Bill itself, now we have to face it, we have to face the music from whichever side it may come. Therefore, I would personally insist that the referendum provision is a wise one, it is nothing to be afraid of. They, on the opposite side, should not fight shy of going to the people. Otherwise people would think that you are afraid of going to the people. That is why in your own interest I want to tell you... (*Interruptions*) Otherwise people may misinterpret your attitude and may say that you are afraid of facing and may say that you are afraid of cagin the people. So, in your own interest I would appeal to you to support this clause with regard to referendum.

SHRI V. ARUNACHALAM ALIAS 'ALADI ARUNA' (Tirunelveli): I welcome the proposal for a referendum to be incorporated in our constitution. Though it seems to be a new feature to our Constitution, it is one of the common features in federal constitutions.

The judgment in the Keshavananda Bharati case is a turning point in the history of our constitutional amendments. Since Parliament is a constituted body, not a constituent body, the powers of the Parliament are not absolute. In a democracy the repository of the sovereignty vests with the people and not with the Parliament. Of course, Parliament is the only supreme body but it is not the people, it is not the nation. The lease of powers entrusted to the representatives of the people is always restricted and limited. That is why the power of the Parliament is restricted to the extent that Parliament has no right to change the basic structure of the constitution without the consent of the people.

Now, the questions arise—what is the basic structure of the Constitution. Are we going to allow the Supreme Court to act as a third chamber to interpret the law regarding the basic structure of our Constitution? What are the means through which we are going to secure the opinion of the people? To answer all these questions, our law minister has proposed the amendments to Article 368. Hereafter, the obscurity about the basic structures of our Constitution and activity of the Supreme Court as third chamber regarding interpretation of the basic features, I hope, will be averted because of this amendment to our Constitution. The past is the science of future. What we have experienced in the past is no doubt acrimonious. Therefore, to protect the freedom of the people, secular character of the nation, fair election, independence of judiciary and federal structure of the Constitution, a kind of bulwark is quite essential. Otherwise, danger to our democratic life will be engendered by totalitarian forces in course of time. The incorporation of

[Shri V. Arunachalam]

refrendum in our Constitution does not whittle down the right of the Parliament to amend the Constitution. Instead it directs the Parliament to carry out the basic changes with the consent of the people. Justice Holmes rightly pointed out that:

> "The Constitution of the free country is what the people want it to be".

Therefore, to know the willingness of the people, the referendum is the best device. Changes in the policy of any Government or political party in power are very common in a democracy. But, in a democracy, such changes must be implemented—carried out—with the consent of the people. In this context, I think, it will be more appropriate to refer to the words of Justice V. R. Krishna Iyer. I quote:

> "The acid test of policy is its ability to obtain domestic support".

Therefore, refrendum is the only means through which public opinion or public support will be ascertained.

Most of the federal constitutions in the world are having the clause for referendum. I remind you, Sir, that even the unitary constitutions like the Constitution of Ireland, Constitution of Denmark, Constitution of Italy, Constitution of French Fourth Republic have the refrendum clause. Therefore incorporation of referendum in our Constitution is quite in consonance with the principle of a democratic Constitution.

We have formulated four basic features of Constitution to be amended by referendum. Unfortunately, we have failed to protect the federal structure of our Constitution in addition to the other features. Sir, if the federal structure is not accepted or protected by this Government as one of the basic structures of the Constitution, the identity of the States, cultural individuality of the various races and the functions of the State Governments will be eroded in course of time. The House is aware of the fact how the previous Government was undemocratic and unjusticiable in transferring the State subjects from the State List to the Union List and the Concurrent List. Therefore, the protection against that transgression of the Centre into the exclusive jurisdiction of the States is essential for the welfare of the States.

Some of our Members may argue that since our Constitution is not federal, we need not consider federalism as one of the basic features of our Constitution. Sir, it is a baneful notion. Our founding fathers of the Constitution, though they have not incorporated all the features of a federal Constitution, have, by and large, accepted and inserted the kernel of federalism in our Constitution.

The supremacy of the Constitution, distribution of powers between the centre and the States and authority of the Courts to act as the interpreters of the Constitution have been accepted in our Constitution. Of course, the quantum of powers allotted to the States is less. The share in revenue resources is not adequate. The hegemoney of the centre over the States is in violation of the federal principle. Yet, some basic norms of federalism have been accepted in our Constitution.

Sir, you will be surprised if I quote the words of Dr. Ambedkar:

> "We cannot forget the fact that while we have in a large number of cases invaded provincial autonomy we still intend and have as a matter of fact seen to it that the federal structure of the Constitution remains fundementally unaltered."

The acceptance of the federal principle is not a new one. It was the creed and aspiration of our freedom fighters even before the Act of 1935. That is why the Indian Statutory Commission which submitted its report in 1930

favoured a federal Constitution for India. The report states:

> "The ultimate constitution of India must be federal for it is only in the federal constitution that units differing so widely in constitution as the provinces and the States can be brought together while retaining their internal autonomy."

Thereafter the Congress Session held in Haripura in 1938 passed a resolution ensuring equal rights between the Centre and States. The resolution reveals:

> "The only kind of Federation that can be acceptable to the Congress is one in which the States participate as free units enjoying the same measure of democratic freedom as the rest of India."

Therefore, the demand for the incorporation of Federal structure in our Constitution is but the voice of freedom fighters, the voice of the founding fathers and the voice of the majority of the people. I earnestly appeal to the hon'ble Law Minister to accept my amendment as a token of good gesture to fulfil the long cherished demands of the people.

डा० बलदेव प्रकाश (अमृतसर): 45 में जो संशोधन पेश किया गया है उसका समर्थन करने के लिए मैं खड़ा हुआ हूं। उस में मैं ने भी एक छोटा सा संशोधन पेश किया है।

यह विवाद बहुत देर से चला आ रहा था खास कर केशवानन्द भारती के केस के बाद कि क्या कोई बैसिक स्ट्रक्चर है और संसद् को उस में कोई परिवर्तन करने का अधिकार है ? विधि मंत्री ने इन दोनों मुद्दों पर संशोधन लाकर इस समस्या का पूरी तरह से निराकरण कर दिया है। यह बहुत आवश्यक था। क्या संसद् लोक तंत्र को बदल सकती है, क्या संसद् एक संशोधन कर के देश के ऊपर लोकतंत्र की जगह राजशाही ला सकती है, यह प्रश्न बिल्कुल स्पष्ट होना बहुत आवश्यक था। दुर्भाग्य से देश में ऐसा काल भी आया जब कि इसी संसद् के सामने बेसिक स्ट्रक्चर जो लोकतंत्र का था उस के अन्दर इसी सदन में परिवर्तन लाया गया और तब जो सम्माननीय सदस्य यहां थे उन्होंने दोनों हाथ खड़े कर के उन संशोधनों का समर्थन कर दिया। इसी सदन में लोक सभा का कार्यकाल पांच साल से छः साल करने का संशोधन आया तब यह आवाज भी उठी कि नहीं दस साल कर दिया जाना चाहिये या बीस साल कर दिया जाना चाहिये। क्या यह मौलिक परिवर्तन नहीं था, बेसिक स्ट्रक्चर के ऊपर आघात नहीं थी। अगर उस समय यह भी संशोधन आ जाता कि श्रीमती इंदिरा गांधी के बाद फिर संजय गांधी और संजय गांधी के बाद फिर राहुल गांधी केवल इन्हीं को प्रधान मंत्री बनने का अधिकार होगा तो मैं समझता हूं कि इस सदन में कोई विरोध नहीं होता। इसलिए यह बहुत आवश्यक था कि इसका स्पष्टीकरण कर दिया जाता कि क्या सदन देश के बेसिक स्ट्रक्चर को बदल सकता है और अगर इसको सर्वोच्च सत्ता प्राप्त है, यह साब्रेन बाडी है तो फिर जनता का क्या होगा ? यह एक विचारणीय प्रश्न था। इसी को सामने रख कर विधि मंत्री ने यह संशोधन पेश किया है और यह कहा कि है कि देश की सर्वोच्च सत्ता जनता में निहित है, असली ताकत देश की जनता के अन्दर निहित है। कभी भी अगर—संसद् में कोई तानाशाही प्रवृत्ति पैदा हो जाए कि वह देश के इस आधारभूत ढांचे को ही बदलने की कोशिश करे तो फिर वह चीज़ इस संसद् के द्वारा नहीं हो सकेगी और उस संशोधन को देश की जनता मतदान करके जब तक उस संशोधन

[डा० बलदेव प्रकाश]

का समर्थन नहीं करेगी तब तक वह संशोधन पास नहीं हो सकेगा । एक बात और मैं जोड़ना चाहता हूं और वह यह कि जहां चार, पांच चीजें रखी हैं उसके साथ कोई ऐसा संशोधन जो देश की इंटेग्रेटी और यूनिटी के साथ कमप्रोमाइज करे या देश की जो भौगोलिक सीमा है उस के अन्दर कोई परिवर्तन लाने का का संशोधन हो वह भी देश की जनता की अनुमति के बगैर पास नहीं होना चाहिये । पीछे हुआ है कि बैरुबारी का इलाका दे दिया गया । आज भी हिन्दुस्तान की सीमाओं के ऊपर, हमारे देश की भूमि पर पाकिस्तान और चीन का अधिकार है । कल को सदन में प्रस्ताव आ सकता है कि सीज फायर लाइन पर एग्रीमेंट कर लिया जाय और यह सदन उसे पास कर ले, तो क्या देश की जनता उसको मानेगी ? मैं समझता हूं कि जब भी देश की भौगोलिक सीमा के बारे में कोई संशोधन करना हो या कल को कोई स्टेट की मांग कर सकती है कि उसको हिन्दुस्तान से अलग अपनी सत्ता बनाने का अधिकार दिया जाय तो क्या सदन ऐसा कोई संशोधन पास कर सकेगा ? तो कोई भी चीज, जो कि देश की एकता के साथ, देश की भौगोलिक सीमा पर आघात करती हो वह संशोधन भी इसके अन्दर शामिल होना चाहिये । यह बहुत आवश्यक है और जहां विधि मंत्री को मैं इस संशोधन को लाने के लिए बधाई देता हूं वहां उन से प्रार्थना करूंगा कि वह इसको इसके अन्दर शामिल करें ।

SHRI G. NARSIMHA REDDY (Adilabad): Sir, the hon. Law Minister, while introducing the Constitution (Forty-fifth) Amendment Bill was perhaps of the view that this would make it difficult for Parliament to make any change in the basic features of the Constitution. If I am correct on this, I would like to remind him about one thing. There is no doubt that he is an expert on the Constitution, but that is only within the four corners of the Supreme Court. And he has proved it. Because, what would be the effect of this Forty-Fifth Amendment after it is passed by this House? I would like to draw the attention of the hon. Minister to the effect of this. What would be the effect of this refrendum clause? We have almost 70 per cent of illiteracy, in this country. With our 30 years' experience we know this: Wherever elections took place our electorates only voted by seeing the person. For instance in Tamil Nadu, Mr. M. G. Ramachandran is the Chief Minister now. To whomsoever he would say, the people will vote. That is my opinion. What I am saying is this. 70 per cent of our people look forward to a person in whom they have faith. If this is understood, let us imagine a situation in the future when this country may be subjected to external aggression. Then naturally the entire Parliament will decide to declare external emergency.

Under those circumstances if there is a very popular Prime Minister having sufficient majority in the House, under these conditions of external emergency with this 26 per cent of votes only, you can visualise the possibility of changes in the basic features of the Constitution. It will be very easy for such a Government to change these when external emergency is in force. Is there any provision here to say that they cannot do it? Then, where are we going? So, if the Law Minister thinks that it is necessary to make it difficult for Parliament to change the basic features of the Constitution, there are other methods of doing it.

For instance, for amending any clause in the Constitution, we require two-thirds majority of the Members

present and voting and more than fifty per cent of the total number. The hon. Minister has already said, while speaking on Clause 35, that we will have to go with the assumption and full belief in the Members of the legislatures, that is the Parliament and the State Assemblies. Keeping that in view, you should agree that it is the Parliament that should have the power to amend the Constitution. You may even say that the changes would be made with two-thirds, or three-fourths or even four-fifths majority, or the entire Parliament, but there must be a provision that the Parliament would amend the Constitution as it may desire. If you amend the Constitution by referendum, a time may come, when it is possible to change the basic features of our Constitution by referendum, then we would be nowhere, nobody could save our country. The Government would have all the right to say that it is the people who have changed it. Today, you are able to undo by the Forty-Fifth Amendment what has been done by the Forty-Second Amendment. It is possible, that the amendments can be made by the Parliament. If it were to be done by a referendum, then, it would not have been possible for you to do this.

I have been following right from the beginning. It appears, the hon. Minister has come to the House with closed deaf ears, because on every amendment, he gets up and says that he was not agreeing to that. I am sure that he will not agree to my amendment also.

MR. DEPUTY-SPEAKER: His ears are open, otherwise he cannot say nc.

SHRI G. NARSIMHA REDDY: But his mind is closed. I request him to open his mind and consider my amendment carefully. Once this provision with regard to the referendum is brought on, things will go away from your hand, you will not be able to amend it. Even if you want to change the Constitution, you will have to go for referendum.

With these words, I request that my amendment may be accepted.

SHRI CHITTA BASU (Barasat): Sir, I rise to congratulate the hon. Minister for the inclusion of the principle of referendum in the Constitution of our country.

MR. DEPUTY-SPEAKER: They, why this amendment?

SHRI CHITTA BASU: I congratulate the hon. Minister for acceptance of the principle of referendum in the Constitution of our country.

SHRI SHANTI BHUSHAN: You are coming forward with your 'buts' and 'ifs'.

SHRI CHITTA BASU: Sir, it is very important that the Government has accepted the principle of sovereignty of the people. Earlier, a theory was propounded about the supremacy of the Parliament, as if the people have abdicated all their sovereignty in favour of the Members of Parliament once they are elected for a period of five or six years as our hon. friends had done. But the point is that ultimately, the sovereignty rests with the people. The proposed amendment accepts this basic theory.

Secondly, I would just like to point out what we have witnessed under the theory of severeignty of the Parliament. Have we forgotten that period when several Bills were passed based on the sovereignty of the Parliament which in effect did take away the sovereignty of the people. I would just mention some of the Bills they passed during that short period. The 38th Constitution Amendment Bill was passed on the 24th July, 1975. The Constitution (Thirty-Ninth). Amendment Bill was passed in the Rajya Sabha on 4th August and it was passed here on the 8th August. Seventeen State Assemblies passed that particular Bill in one day. That is why I say that they have misused the concept of the sovereignty of Parliament. There are possibilities on this so-called theory of supremacy of Parliament being misused. I am really grateful that Mr. Chandrappan also

[Shri Chitta Basu]

dealt with this point. He has come round to the idea that the so-called theory of supremacy of Parliament has not yielded the result.

Now I come to my amendment to clause 45. Government's amendment proposes to identify certain basic structures of the Constitution. My amendment proposes to extend it, and the point I want to be included is:

"Page 13—

after line 25, *insert*—

"(v) imparing tne federal principle as embodied in the Constitution; or"

That must be a part of the structure of the Constitution of our country. I was compelled to say this, because of the theoretical situation and the political reality in our country. Our country has entered into an era of a federal polity. There is also a tendency—he may disagree with me and deny it—and a strong trend within the Janata Party itself to have a unitary system of Government. Let me go on record as saying that I visualize a situation when the federal principle which has been enshrined in the Constitution to-day, might be sought to changed, if those forces get the upper hand in the ruling party. It is there even to-day. Therefore, I want to safeguard things. My amendment simply says that this federal principle should be a part of the basic structure of the Constitution. I think hon. Minister will, even at this late stage, consider it and accept it.

SHRI A. ASOKARAJ (Perambalur): In spite of my ill health, Mr. Deputy Speaker, Sir, I am bringing in this amendment, to voice my opinion, as I have considered it to be my prime duty. I wanted even to congratulate our hon. Law Minister for bringing forward this 45th Constitution Amendment Bill. He has brought it because they have already promised to the people that they will do it. But I am afraid that only changing certain constitutional provisions will not do any good to the ordinary, poor people. It is only the learned people who think about this amendment, but ordinary people do not at all bother about these amendments, because their only concern is about their stomachs. I am watching the debate for the past few days. I could understand the magnitude of the arguments made by learned hon. Members.

Hon. members are so energetic and emphatic in their arguments, but I would ask the people in the Treasury Benches, what have you really done for the poor people? They should realise that we are elected mainly by those people who oppressed and depressed. The people will definitely reject you as they are not provided with protected drinking water, houses to live in and something for eating. As you have not done anything to the poor people, Iam afraid if you go to the people now they would definitely reject you.

Though I welcome this referendum, I am only having certain reservations against this. For example, now we are daily conflicting on the issue of language. Supposing the Hindi fanatics want to make Hindi as the only language of communication amongst us, this referendum would definitely be imposed on our people. Hence I request that the amendment shall be required to be approved by the legislatures of two-thirds of the States, not by legislatures of half of the States. Mr. Narasimha Reddy said that Tamilnadu will vote for whatever MGR says. But I would like to tell him emphatically that it is because of his good qualities, not because he is an actor.

Finally, I would tell the Law Minister, the common people are tired of voting, as they were disappointed, for the past 30 years almost. Their only work is voting but they are not attaining anything. I would tell the Minister, that he has taken 17 months to bring this amendment. Our Prime

Minister says that the whole poverty will be finished within five years. I wonder how it is going to be done. However, with all this, I would like to emphsise my amendment that this amendment should also be ratified by the legislatures of two-thirds of the States.

SHRI EDUARDO FALEIRO (Mormugao): Sir, permit me to say that the Janata Party came to power on a populist wave and in spite of the mishaps they have suffered in the Administration over the last one and a half years, they have still not got over populist slogans. They have not been able to learn or they do not want to face the issues squarely in depth and with courage. I say this in the context of referendum. Referendum is nothing but just a populist concept, a carrot dangling before the people saying to them, "You are sovereign; we are giving you this power." Mr. Chitta Basu made the point that by virtue of referendum, the sovereignty of the people will be established. I would like to say that in the representative form of Government, which we are now having, namely, parliamentary form of Government, the sovereignty of the people is also established. The sovereignty of the people can be ascertained in two manners, either directly, i.e. through a referendum or indirectly, i.e. through the elected representatives in the parliamentary form of Government which we are having. Both are equally assertions of the sovereignty of the people. Ione is less than the other. The difficulty arises in this context. I can appreciate countries going in for direct democracy, to the extent that all laws are to be made directly by the people. I can appreciate a Constitution which provides that all laws shall be made by the people through their elected representatives, i.e. the type of Constitution we are having. I can appreciate Constitutions, and there are many, which provide that certain issues will be decided directly by the people through a referendum and other issues will be decided through the elected representatives in a parliamentary form of Government. What bugs me is having a provision of the nature that we are now contemplating by which the very same issue will be at once decided by the representatives of the people, i.e., by Parliament and also decided by the people directly. My submission is this, that to the kind of conflicts that we have experienced in the last 30 years between Parliament and the Judiciary, between Parliament and the Executive, we are now adding a much more serious conflict, a conflict of greater dimensions, that is a conflict between Parliament and the People. This type of conflict will be the only result of a provision for referendum. What will happen when tomorrow, as this Clause contemplates Parliament votes a particular law by a two-thirds majority and the same provision is in referendum rejected by the people? What is the *locus standi* of Parliament then? In what position will the parliamentary structure remain?

MR. DEPUTY-SPEAKER: They will have to dissolve Parliament.

SHRI EDUARDO FALEIRO: That means Parliament was not competent. I think this is no good at all. Apart from other complications, this is going to create inherent conflicts in the whole system when we are trying to strengthen the system.

Speaking about strengthening the system, Shri Chitta Basu asked whether we have, forgotten what they call the traumatic experience of the period of the emergency? I have not forgotten. I admit that many of the amendments introduced by the Forty-second Amendment Act were a distortion and subversion of the Constitution. It is due to this that they managed to get passed the Forty-fourth Amendment Act. It is we who got it passed. They cannot claim the credit for it. There is a limit to everything.

The point I was trying to make is this, that this example which Shri

[Eduardo Faleiro]

Chitta Basu gives itself shows the strength of our parliamentary system of government. I am trying to point out that only once in 30 years this happened, and once it happened, within a few months the Government was thrown out and a new Government came to power, and that again proves the basic strength of our parliamentary form of government, and it shows that there is no need for this type of a referendum that they are now contemplating.

The veteran leader and respected colleague, Mr. Kamath, a founding father of the Constitution, for whom all of us have the greatest respect, though we may not very often agree with his ideas, quoted several Constitutions. All I can say is that from what I have been able to read and understand, in all, these Constitutions which provide for a referendum, from the United States to Australia and New Zealand and even tiny Switzerland with hundred per cent literacy, the referendum is not working, it has been found not to be a wise step to take. Even in the recent De Gaulle Constitution in France, where referendum was already there, I understand provision for referendum has been deleted. Referendum has not worked anywhere, and at this stage, in the last quarter of the twentieth century we are trying to bring in a provision which was introduced in the beginning of the nineteenth century because then there was danger of legislators being purchased, rotten burroughs and pocket burroughs were purchased and people had not much trust in them.

It was the hon. Minister who said just yesteday that we must trust our legislatures. When they fail, then the system corrects them and corrects itself. It purges itself.

This is not a tenable provision on several grounds, and one of the grounds which I will immediately point out is this. What does a referendum contemplate? It contemplates an amendment of the basic features of the Constitution. To my mind, no amendment can be an amendment of the basic features of the Constitution. An amendment can only amend a side issue, it cannot amend the basic issues. Mr. Deputy-Speaker, you are in the Chair, you will agree with me on this issue. There cannot be amendment of basic issues. Amendment of the basic issues is a contradiction in terms. There is only abrogation, and no amendment of the basic features. What I am trying to point out is that no amount of majority, 51 per cent or even 100 per cent, can make logical something that is illogical, reasonable something that is absurd.

On the point of the basic features, I understand that the Kesavanand Bharati case was decided by the largest bench of the Supreme Court ever constituted upto then and that Bench of 13 Judges were unable to find out what were the basic features of the Constitution. So, I say that the basic features theory is arbitrary, the enumeration of basic features is arbitrary. We have heard in this very House the hon. Member, Shri Somnath Chatterjee saying that the federal principle is a basic feature of the Constitution; similarly, we have heard Shri Chitta Basu and the C.P.I. members saying that the parliamentary-cum-cabinet form of Government is also a basic feature; Shri Shyamnandan Mishra was saying yesterday that the republican form and the democratic feature of the Constitution are also basic features. So, what I am saying is you cannot just enumerate the basic features; the Supreme Court could not define them in one of its most voluminous judgments and possibly of any Supreme Court anywhere in the world. The enumeration is absolutely arbitrary.

Since you are ringing the bell, we will express our opinion on this at the time of voting in a more precise, concise and firm manner.

PROF. P. G. MAVALANKAR (Gandhinagar): Mr. Deputy-Speaker, Sir, I start by stating the obvious that we are a federation, we are a Union of States and we have a written Constitution. Because, we have a written Constitution in India, Parliament is also subject to the provisions of the written Constitution. So, I am not in favour of those who say that parliamentary supremacy is there. We are a federal Constitution and there is no Parliamentary supermacy, because, over the Parliament is the Constitution, and over the Constitution are the people of India, and the people are the sovereign. Now, I accept that part of what Shri Chitta Basu and my friends of the Communist Party of India, have said, namely, that federation is a basic features, and that Parliamentary democracy is a basic feature; yes, I agree with them. We can argue and discuss which are the basic features and then give a concrete form to them and treat them as basic features. That is one aspect.

When I opposed the principle of referendum at the very introduction stage of this Bill during the last session, the Law Minister tried to have a dig at me by asking a very clever question; though he knew that I had not raised it, he tried to snub me by asking a clever question whether I have exhibited some kind of distrust in the people by opposing the referendum. How did he come to the conclusion, I wonder, that because I am opposed' to referendum, therefore, I am opposed to trusting the people; not at all. I am with him in trusting the people.

But if you sa ythat you have got referendum because you have no distrust in the people, then why don't you have recall also, which is an extension of the principle of trusting of the people. Why should you not accept it? But the Law Minister has rejected the proposal of recall in this very House some time ago. After all referendum and recall are the twin principles of the Constitution, and they both go together, as in Switzerland. He cannot say "referendum, I will accept, because I have trust in the people but recall I reject because I do not trust the people because I want to continue for five years". So. let him not repeat the theory of trusting the people when he replies to the debate. I trust the people as much as he does. Perhaps he said recall is not workable .... (*Interruptions*) Similarly, I am expressing my grave doubts about referendum.

In the last six general elections which took place in India, as the House knows, in not one of them the total votes polled were more than 50 per cent. This is the experience of the last 26 years. How does the Law Minister expect that in a referendum, which may have less exciting circumstances, because, after all, the campaign will not be as intensive as at the time of the election, you will get 51 per cent of the population participate in it? Moreover, provision is not very clear. Suppose 51 per cent of the electorate do not take part in a referendum. Will he go to the people again and again the third or the fourth time until he gets 51 per cent? Or, will he say that it will be only once? There should be some definite provision. The persent provision is not very clear.

Apart from the fact that referendum is a costly and a doubtful device, it is not the best way out. I may tell you, I am sure he knows it, that referendum as a constitutional device in modern times originated from the United States. It came from the United States via Atlantic to Switzerland. It got stuck up only in Switzerland; then, it went to Australia and it stopped there. There is no other democratic country in the world, barring Switzerland and Australia—in USA, it is only in regard to the States of the Union, not at the federal level—where the referendum is found workable.

Let us see what Lord Bryce had to say about referendum in Switzerland.

[Prof. P. G. Mavalankar]

Before I do that, I just want to say that the successful functioning of referendum depends upon a number of aspects. This is what Lord Bryce said on his famous book: "Modern Democracies," when he talked about Switzerland, incidentally one of the best books on democracy and on Switzerland. I quote:

> "A small country with a homogenous population, intelligent and unemotional, not dominated by party organisation or influenced by party bitterness, Switzerland satisfies all these conditions."

Then, I would like to add something more by way of my comments, namely that the issues on which referendum is to be held will have to be defined precisely and discussed widely in the press as well as in public meetings.

Apart from that, there, is a definite danger of using referendum which may not give you the desired result. Why? Having praised Switzerland, being a small country with a homogenous population, this is what Lord Bryce says about the defects or limitations of a referendum:

> "Their votes may be perverted in three ways: by fear when the voter is intimidated; by corrupt inducements when he is bribed; by fraud when the votes are not honestly taken or honestly counted."

So, this is what Lord Bryce had to say. Even a great protagonist like him had to say honestly that there were good points and there were bad points about referendum.

On balance, it seems to me that referendum is not good. That is why I have given my amendment. What is my amendment? It is a very simple one. I say that there are certain basic features of the Constitution. The Law Minister has listed four of them. My hon. friend, Mr. Chitta Basu wanted "federal set-up" to be a basic features of the Constitution; the CPI wanted some other thing. We can have a discussion on that and define the basic structure of the Constitution. But what I want to say is this: if basic features are there, don't amend them under any circumstances.

You know, in England there is no written Constitution. And yet England has certain basic features of the Constitution which have remained unamendable over a period of the last several centuries. It was Lord Ellenborough who said, "A law of England is a law of liberty." Common Law, Statute Law and Constitutional Practices and Parliamentary Conventions all put together have combined to make the British People's rights absolutely inviolable. An Englishman's house is a castle in which nobody shall be allowed to enter without his permission. The English Constitution has got basic rights.

The American Constitutional tradition, strengthened by men like Jefferson and Lincoln has also provided in the American Constitution certain basic features as inalienable rights. The Federal Republic of Germany in its Basic Law, has made the essential content of basic rights inviolable under articles 1, 19 and 79. Therefore, I want to conclude by saying that if these rights are taken as basic, then my position is, don't amend them, specially when you find that referendum is unworkable and difficult.

Lastly, my hon. friend, Mr. Chandrappan, made a very convincing point and he asked, "How can you make any part of the Constitution unamendable? That is inviting revolution." I entirely agree with him. But that is not the full story. We say, the Constitution is amendable; the majority of it is amendable. We only say that there are certain features,

like, freedom, liberty, fundamental rights, independence of judiciary, periodical elections, adult franchise which are basic. Do you mean to say that they are amendable? The Constitution has recognised these as basic things. We are not amending the Constitution when we want to amend the basic things. All that we say is whatever is recognised by the Constitution as basic don't change it.

My hon. friend, Shri Kamath, said what is good for one generation is not good for another generation. Who denies that position? I agree with him. But what was basic for Jefferson, what was basic for Socrates, what was basic for Lincoln and what was basic for Gandhi is also basic for today and tomorrow. Freedom, dignity of the individuals and fundamental rights are basic. There is no question of changing them from one generation to another. Therefore, I say that my amendment should be accepted which will make basic freedoms unamendable even by a referendum.

MR. DEPUTY SPEAKER: We go to Clause 46.....

SHRI P. VENKATASUBAIAH (Nandyal): We have already given a name, that of Mr. Nair. Please allow him for a few minutes.

MR. DEPUTY-SPEAKER: I have called those who have given amendments.

SHRI P. VENKATASUBBAIAH: That is true, Sir. Our Party has not given any amendment. So, we suggested....

MR. DEPUTY-SPEAKER: Let me see whether anybody from your Party has spoken. All right. Only one Member. Mr. Nair.

SHRI B. K. NAIR (Mavelikara): Mr. Deputy-Speaker, Sir, I am not going into the basic features. My only objection is that referendum is unworkable in our country in the situation as it is today. For one thing, our country's size will present a problem. The population of our country is more than 60 crores. That means over 30 crores are expected to take part in the referendum. It is just unworkable. 51 per cent turnout has not been attained in our elections on several occasions. After the Amendment has been passed by both Houses of Parliament, if 51 per cent of the people do not turn up in the referendum, it will mean that the Amendment will have to be dropped. That may give rise to the cry that Parliament has lost the confidence of the people. It may be interpreted as loss of confidence in Parliament and anybody can give a call or signal for another total revolution upsetting everything.

There is another angle also. The amount of expenses involved will be quite huge. They have estimated the expenses to be just Rs. 30 crores. But that expenditure is only for official purposes, that is, to make administrative arrangements. As you know, in General Elections, candidates and parties have to spend three or four times of this expenditure. Therefore, it may even be Rs. 100 crores

Here they have envisaged two procedures: one, referendum along with the elections, that is, election-*cum*-referendum; and the other, referendum by itself, that is, referendum without elections. In the case of referendum without elections, who is going to do the canvassing? Nobody will be interested. We have not yet reached the stage of elections being thought of on the basis of merely manifestoes or abstruct ideas We know the position in General Elections: even with our manifestoes, with all the workers, being there in the field, with organized parties being there, with all the propaganda, publicity, meetings, and so on, even with all these things, in the elections you often do not get a turn-out of

[Shri B. K. Nair]

51 per cent. Then how can you expect 51 per cent of the people, merely on appeal in newspapers and other publicity media, to come and cast their votes in the referendum.

There are also other issues involved. Now, times have come when the Government at the Centre may have to be constituted on a composisite basis. If referendum is to be carried out during the elections, there may be some Parties which may be opposed to the Amendment, and there may be some Parties which may be supporting it. Suppose, after the elections, the Party or Parties which opposed the Amendment get the majority and come to power. Then what will happen? That would be a Government which had opposed the Amendment, which had opposed the Constitution. Those Members would have voted against the Amendment. How can they come to Parliament and take the oath that they will uphold the Constitution? Similar situations may arise in Assemblies also.

14.00 hrs.

There is another aspect. We have seen the voting pattern in the country in the last elections: the people in the north voted in one way; and the people in the South voted in another way. Then what happens? People have become so emotional. We have seen so many scenes in this Parliament that as soon as the name of Hindi is mentioned so many people flare up. Similar reaction is seen on the other side also. When elected representatives of the people are divided even on such issue, can we face the ordinary people with a referendum on similar issues? Automatically people in the South will take it once people in the North approve of a certain amendment that it is going to be against the South. That is the automatic conclusion of the people of the South. So the voting of the South also can be assumed to be just opposite to that of the North. What then is the solution? Are you going to impose such a constitutional amendment on the South also? It will only divide the country. It is unworkable and it will only be disrupting the country and weakening the country and it will be hardly committing the forces of integration.

Then, Sir, take the election atmosphere. It is not the just atmosphere where an issue like this can be referred to the people. On many of these issues the High Courts of the land have been found to hold different opinions. And even the Supreme Court Judges have held different opinions. These are basic issues requiring calm reflection and judicious decision and we cannot expect that the common people of the country will be able to exercise their judgement cooly and freely when issues of this kind are referred to them.

Then, Sir, you know how elections are fought. They are fought more on the basis of community, caste, religion and language and all sorts of passions are aroused. In the latest election which is the Panchayat elections in Bihar which we had a few months ago, it is said in the papers that 40 per cent of the candidates elected to the post of Panchayats Pramukhs in over 10,000 panchayts are criminals. So many of them are languishing in jail. There were 58 instances of firing. Thirty people were killed. Ninteen were killed in police firing and the others by the parties attacking each other. When the Police came, the gang leaders said, 'We have got a bigger force than you and we have got more powerful guns than you have. So get away.' So, that is the atmosphere in our elections. Elections can be fought and can be won. In Elections emotions get worked up and passions can be worked up just on the basis of slogans. That is not the correct mood for a referendum.

Lastly, sensitive and basic issues to be decided by our sovereign people—what is the idea behind this amendment? To make the people more sovereign than they are? This populist approach is all right for propaganda purpose but feel that the country is not yet ripe for this experiment. This will prove to be a provision for which we may have to rgret later. All sorts of passions will be aroused and the results will only be confusing and confounding. I hope, therefore, the hon. Minister will not treat it as a prestige or party issue but will kindly drop this controversial amendment.

SHRI SHANTI BHUSHAN: I am happy for the wide support from many sections of the House...

SOME HON. MEMBERS: Wide support?

SHRI P. VENKATASUBBAIAH: Your own partymen are opposed to it. How can you say that it has received wide support?

SHRI SHANTI BHUSHAN: In fact I was particularly vividly happy when Shri Chitta Basu congratulated me for this clause but it was only when he started retracting from those congratulations and adding his real points...

SHRI P. VENKATASUBBAIAH: Amended congratulations.

SHRI SHANTI BHUSHAN: I was reminded of an incident which took place in a similar House in a different country where a Minister had made a speech in support of a very important Bill which was of a very controversial nature and then when the Leader of the Opposition stood up to make his speech, he started by saying, 'I would like to congratulate the hon. Minister for his speech'. So the Minister was shocked and surprised and he could not believe his own ears. Thereafter, after a little pause, the Leader of the Opposition added—he had already said, 'I would like to congratulate the hon. Minister for his speech'—and then he added 'On account of the fact that I am only going to abuse him and not beat him.' But, Sir, I am still grateful to Shri Chitta Basu that he finds merit in the acceptance of the principle of referendum.

Sir, I am sorry that some hon. Members have chosen to oppose this principle of referendum. But, I can only attribute it to some confusion in their minds. I attribute it to my own in ability that I have not been able to put across the idea of referendum as properly as perhaps I should have done. However, very briefly, without trying to take too much time of the honourable House, I would like to give some clarifications to this question.

Sir, some hon. Members have read into this referendum clause and they have got an apprehension that this may open the door for Hindi raj; this may open the door of domination over some States in the South or North and so on and so forth. May I remind the hon. Members what does the amendment really provide? They perhaps have seen one part of the amendment forgetting the other part of the amendment or forgetting as to what Art. 368 was and where this particular amendment is being interposed.

Now, if two-thirds majority in the two Houses of Parliament could be relied upon and, if this is the guarantee, normally it should be a guarantee that no Hindi-domination would be allowed. That is why this two-thirds majority in the two Houses separately is insisted upon for any constitutional amendment.

Then, Sir, how does that safeguard stand diluted if it is said that even after the two-thirds majority in both the Houses have voted in favour of an amendment, it shall not become law until, in addition, it has been taken to the people in a referendum where at least fifty-one per cent of the people will vote in that referendum and a majority would support

[Shri Shanti Bhushan]

the amendment which has been proposed by all sections of the House, I am unable to follow how those who would like the rights of a minority to be protected—I will come to the other aspect which has been mentioned, for instance, by Prof. Mavalankar and others later on—and those who say that Parliament should have the right, the final right, the untramelled right, by the two-thirds majority could say this. There are some hon. Members who have said that. At the moment, I am dealing with those hon. Members who have said that there should be no restrictions on Parliament—it should be by a two-thirds majority in both Houses—to make any amendment of the Constitution. Even those hon. Members have said that if, by bare majority, by 51 per cent participating in the referendum etc. even the basic features are allowed to be amended, then, in that case, this thing can happen and that thing can happen.

My reply to those hon. Members is that it is not in substitution of the safeguard of a two-thirds majority in both Houses of Parliament. This is an addition. In that case it cannot be treated as opening the door to getting rid of the people's rights and the rights also of the minority and so on. It has to be seen in that spirit but it should not be taken as if the bare majority of the people participate in the referendum wants something to be done or some amendment in the Constitution to be made. In that case, whether or not it is by a two-thirds majority of both Houses of Parliament that they want that to be done, that amendment of the Constitution shall operate, here there is nothing of that kind. It is only after the normal process of amending the Constitution is gone through, that is, after the two-thirds majority of both Houses of Parliament is gone through. Therefore, if the amendment is of a kind which further requires ratification by more than half of the Legislative Assemblies in the country after that is gone through the amendment is made. Other requirement will remain.

14.07 hrs.

[SHRIMATI PARVATHI KRISHNAN *in the Chair*]

Some hon. Members have raised the question of federal principle—the question of affecting the federal structure by the amendment—and whether that also will be required to go to the referendum. I shall very briefly explain as to what is the philosophy behind this Clause of referendum which is being introduced and why that safeguard is not necessary? So far as quasi-federal structure of the Constitution is concerned, the quasi-federal structure of the Constitution can never possibly raise the issue between Parliament and the people. If it raises an issue between the Centre and the States or between States and States, effective safeguards are necessary. Normally the quasi-federal structure of the Constitution cannot be affected except by ratification by more than half of the State Assemblies in respect of clauses requiring two-thirds majority in both Houses of Parliament, there is a further requirement. But, if the amendment affects such and such a provision it will not affect the Centre-State relations or anything; even indirectly if that affects the Centre-State relations then, in that case, a further requirement has already been interposed in the Constitution, namely, it must also be ratified by more than half of the States because that takes care of the fact that if the State's rights are being unreasonably affected by a proposed amendment of the Constitution then more than half of the States are not supposed to ratify. But so far as referendum of the people as a whole is concerned that will not be a safeguard so far as the federal structure is concerned and apart from the fact that so far as quasi-federal structure establish in the Constitution is concerned—now

this is both ways. There is no question of impairing it. There are some things which are assigned to the Centre and some things assigned to the State. Whether some item is taken over from the State list to the Union list or Concurrent list or *vice versa* it is taken over from the Union list to the State list so far as affecting the established federal structure or quasi-federal structure is concerned it will get attracted in either case. Therefore, the result would be that even if some rearrangement of the State subjects or Central subjects or Union subjects on Concurrent List is attempted every time it will have to go to referendum. After all the philosophy behind introducing the concept of referendum was that at least, because that has been shown by experience, the Constitution makers had trusted two-thirds majority in two Houses to perform this function. In fact, some of the hon'ble Members referred to something which I said yesterday, namely, that the elected representatives had to be relied upon. Perfectly true. So long as democracy is safe; so long as free elections are safe; so long as everything which goes to make working democracy is safe, yes the elected representatives of the people have to be relied upon and will have to be relied upon because then they would not do anything which is against the interests of the people. But when it comes to a question of amending the Constitution and amendment of the Costitution, now history has shown could also conceivably deprive the people of their democratic rights.

Now, theoretically is it difficult to conceive? Perhaps, some people might have even conceived such a thing, namely that all right, let there be a two-third majority if the two-third majority in two Houses can be made to put its endorsement on Bill which is brought perhaps some day by somebody that nothing in this Constitution shall come in the way of a vote establishing a committee of five persons which committee of five persons shall have perpetual right to run the country and States. That will subvert the entire polity which has been established in this country and the people do not come in. The elections disappear. No elections every five years—not even after 25 years. No elections. No vote. No adult franchise and supporting such an amendment of the Constitution is brought, then the issue is not when democracy is functioning as to whether the elected representatives should be relied upon or not. That is an issue between the elected representatives of the people and the people themselves as to whether the elected representatives of the people should have any right after they have become the elected representatives to disregard the people and propose an amendment of the Constitution which will destroy democracy, which will therefore take away their voice from the people completely. That kind of a safeguard is necessary because now the experience has shown what kind of amendments could be endorsed by the two Houses of Parliament. The Thirty-Ninth Amendment is a living example. The Fortieth Bill was enacted by the other House. It was not enacted by this House but it was enacted by the other House. If such Bills are proposed and enacted where is the guarantee unless the people, at least in extreme cases, are involved? You may say, all-right, two-third majority is there and normally it can proceed with later amendments and so on. But when it comes to these things in which the people are involved—impairing the secular and democratic character of the Constitution, prejudicing or impeding free and fair elections on the basis of adult suffrage, abridging or taking away the rights of citizens and compromising the independence of the judiciary—these are the four very basic things which must remain if the people's interests are to be safe-guarded. And that is why so far as these matters are concerned...

SHRI P. K. DEO (Kalahandi): Please excuse me for intrrupting you for a minute.

MR. CHAIRMAN: If the Minister yields.

SHRI P. K. DEO: I would like to ask the Minister about one thing. In spite of so many safeguards in the Constitutional amendment for instance, regarding the basic character and so on, why is it that the Government is not considering the scrapping of the Twenty Fourth Amendment of the Constitution so that any Constitutional Amendment could be justiciable in the court of law and thereby establishing the supremacy of the justifiable.

SHRI SHANTI BHUSHAN: The twenty-fourth amendment has been upheld by the Supreme Court. It was not in conflict with the basic structure of the Constitution. There is no question of that.

SHRI P. K. DEO: We can repeal the Twenty-Fourth Amendment and make any constitution amendment justifiable.

SHRI SHANTI BHUSHAN: The Twenty-Fourth amendment does not say anything like that. That is the Forty Second Amendment. Are you thinking of that?

AN HON. MEMBER: He means the Forty Second Amendment.

MR. CHAIRMAN: Let him not have a dialogue. I would request the Minister not to have any dialogue.

SHRI SHANTI BHUSHAN: Very well, Madam. I cannot possibly afford to disobey you. Madam Chairman, what I was saying was this. While these four things are essential concommitants of a working democracy, so far these things are concerned, rightly the people should be a little distasteful; they should not commit their entire future only to the elected representatives of the people, so long as these basic things are secure. Then of course the very conditions that adult franchise would be there, free and fair elections would be there, democracy would be there,—all these would ensure that the elected representatives of the people would be acting, mindful of the people's interests and therefore they would be reliable and could be relied upon. Now a question was raised. It has been raised by Prof. P.G. Mavalankar and some other friends also. He said, why not say so, instead of saying that such amendments have to be ratified by the people in a referendum and making it very difficult, because, it is quite clear that properly speaking an amendment to impair the secular or democratic character of the Constitution should be unthinkable. An amendment to prejudice or impede free and fair election is the basic of adult franchise should be unthinkable. So there is some point in what they have said.

But, I had already explained the reasons as to why it is not possible to accede to it. Because, the Constitutional Document is not a mere theory. It is a practical document. One has to take into consideration the practicalities of the situation also. Suppose you have a clause saying all right, no amendment of the Constitution shall be permissible or would be possible, which has the effect of the same things which are set out here. Then in that case obviously there will have to be some institution to decide because it could be a matter of controversy—whether a particular amendment had the effect of impairing the secular character of our constitution or not, whether it had the effect of impairing democratic character of the Constitution or not. It can be a Controversial question.

There might be a borderline amendment with which some very substantial sections in the country would be in agreement and they might regard them as very good for the people of the country. Yet another section in the country might say that it impairs the secular character or democratic charac-

ter. So it would be a matter of opinion. Now the question is this. This debate has gone on in this country for a fairly long time also. If such a conflict arises, in regard to border line amendments of constitution, two views are possible as to whether they impair secularism or further secularism, whether they help the concept of adult franchise and free and fair election and whether it damages the concept of free and fair election. Two views are always possible,—whether Parliament is supreme or the Supreme Court is supreme and so on. Parliament says, we represent the people of India. Because, it is an elected institution. Therefore, if there is this controversy, obviously the forum of the elected representative of the people must be supreme because they represent the people. On the other hand the Supreme Court will say; 'Well, if the voice of the Parliament is supreme, then, in that case, the question does not arise. Then why is this clause, namely that even by two-third majority a constitution amendment is enacted, which has the effect of impairing certain things. In that case, how can the same body which has enacted that Constitution also decide as to whether it does or does not impair. Therefore, another body has to decide and which can only be the Supreme Court, the judiciary, whose function is to provide checks and balances, to decide as to whether it impairs or not'. Again the Supreme Court, it is said that it is not an elected institution at least in this country. Therefore, it cannot be the right body to decide. Therefore, who has to decide? This controversy goes on. It is not difficult to conceive of a case where there may be an amendment of the Constitution proposed by the Parliament and it may be essentially in the interest of the people, but may be another body which is not directly elected by the people, whose contact with the people may not be that intimate as the Members of this House and the other House, if it happens to take the other view and if this view has to prevail, then only a revolution can alter that view. Then, the question arises whether some other institutional arrangment to solve this controversy has to be created or not and in that case, who can be that institution?

Therefore, the purpose of this provision is that normally two-third majority of the two Houses will make the amendments and if Centre-State relations are affected, then in addition, it would have to be ratified by more than half of the total number of States also. But, at least there is the theoretical possibility, which in a given situation might even become a practical possibility of the elected representatives of the people completely disregarding the interest of the people .....

SHRI HARI VISHNU KAMATH: Why not provide for a two-thirds majority for referendum also?

SHRI SHANTI BHUSHAN: Obviously, in a democracy, the majority of the people are supreme, but that will be only in addition to two-thirds majority of the elected representatives in both the Houses. Therefore, all that kind of danger that the majority might oppress the minority in the country etc., has to be safeguarded by insisting upon two-thirds majority of the elected representatives. Thereafter, it is only a question that the proposed amendment must not have character of being anti-national ....

SHRI SHYAMNANDAN MISHRA (Begusarai): May I seek a clarification? I have participated in the debate, but he is not referring to the points made by me.

MR. CHAIRMAN: Let him complete. If he does not answer your point, you may certainly ask the clarification.

SHRI SHYAMNANDAN MISHRA: He is at a point where I require some clarification from him.

MR. CHAIRMAN: Let him complete.

SHRI SHANTI BHUSHAN: May be that the clarification that the hon.

[Shri Shanti Bhushan]

Member is seeking may be available in my reply. If it is not available, I will certainly clarify the point.

What I was saying was that this is the reason why in spite of these thing, there are certain basic things which should be completely unamendable, but yet you cannot say in that Constitution that they shall be unamendable, because ultimately, the question shall be, whose view has to prevail, whether the view of the Parliament or whether the view of the Supreme Court has to prevail.

Recognising the philosophy that it is a Constitution based on the principle of checks and balances, namely, the sole authority, the sole power must not rest in one institution and the functioning of one institution must provide a check to the functioning of the other institution, then a question arises, if there is a conflict between two supreme institutions, who has to resolve it. Obviously, we cannot think of a third institution to resolve that conflict between two sovereign bodies and sovereign institutions. Then, those who are the real sovereign, namely the people of the country, have to be brought in and the result of that on a practical plane would be this. No Government would ever propose an amendment of the Constitution which is really going to hurt the interest of the people, because they would not be able to get the endorsement or ratification of the people when they have to take it to the people by means of referendum. They would not propose any such thing. The danger of a constitutional amendment being proposed and enacted would be obviated and yet the other danger also would not arise namely that if a pro-people amendment is proposed by two-thirds majority, but if the Supreme Court in its wisdom interpreting because after all, the lawyers have a lot of ingenuity, and, therefore, if that is a pro-people amendment and in a very large section of the people want that amendment to be made—because practical considerations and experience have shown that this kind of amendment is required—in that case, it would not be possible for another sovereign body, although not an elected one, to completely frustrate it. They would be able to provide the role of being a check, but not that of the ultimate arbiters. If I may express it this way, they would not be able to veto it, but they would have the power to check. If they come to the conclusion that an amendment has been passed without its being taken to the people--which has the effect, in their opinion and in their wisdom, of impairing the secular and democratic character of the Constitution or abridging or impending free and fair elections on the basis of adult suffrage, then they would be able to say: "Well, you have to go to the people, otherwise the constitutional amendment would not come into force." And if really the view of the Supreme Court is right, that the proposed constitutional amendment is anti-people and it is against the interests of the people, obviously the people in a referendum are not going to accept it.

MR. CHAIRMAN: Just a minute, Mr. Minister. Mr. Mishra, you wanted a clarification at this stage; did you not?

SHRI SHYAMNANDAN MISHRA: Yes, it is at this stage. When an amendment to the Constitution is brought about by the required majority in this House, and that amendment is adjudged by the Supreme Court as going against the basic features of the Constitution, what happens? Would that matter be referred to the people, in a referendum? Will that automatically follow? This is the first question. Am I quite clear on this; i.e., if the Supreme Court rules that it goes against the basic features of the Constitution, as has been laid down in the Keshavanand Bharati case, then would that matter be automatically referred to the people in a referendum? Then there might be indirect amendments of the Constitution also. Yes, there might be indirect amendments to the

Constitution, amending its basic features. For example, if the law of preventive detention is made in such a way as to impair the democratic rights of the people in a basic way, what happens? Again, it may not be a direct amendment of the Constitution, and yet in effect it will impair the basic feature of the Constitution. What happens in that case? These are the two questions which the hon. Minister should answer.

SHRI SHANTI BHUSHAN: I am happy that the hon. Member has indicated his doubts. It gives me an opportunity to give the necessary clarification. He has raised a very pertinent question, viz., that if the Supreme Court feels that a certain amendment affects the basic feature, then according to the majority decision in the Keshavanand Bharati case, that amendment is void, and, therefore, what happens if that very amendment had first been taken to the people in a referendum? It has been ratified by the people in the referendum, and, thereafter, what will be the Supreme Court's position or the effect of a judgment, if the Supreme Courts says that, in their opinion, the amendment continues to affect the basic feature? I am not merely referring to the fact that the decision in the Keshavanand Bharati case is a decision given by majority of one, viz 7:6. We do not know what is going to be its ultimate fate, because we have ample experience of the Supreme Court altering its position on important constitutional issues from time to time. There was a time when the Supreme Court said that there were no restrictions on Parliament's power to amend, under Article 368—i.e. two-thirds majority, and ratification and everything was permissible. Then came the Golak Nath case, and they said then: "No, it was not possible, even by the exercise of amending power, to alter or abridge any of the fundamental rights." It was the Golak Nath case. It was fortunate that the principle of prospective overruling was applied to the Golak Nath case. It was said that even though, if the view had been taken earlier, all those earlier amendments which had validated the Zamindari Abolition—Act etc., might have been struck down they said, "we want to uphold them, and, therefore, only in future such Acts cannot be enacted. But in the past whatever Acts had been made, they have already been made." They applied that principle, fortunately. But anyhow, the Supreme Court, in the Keshavanand Bharati case, overruled their decision in the Golak Nath case also and accepted that that was not a correct position. That also happened to be a decision by a majority of one. But when the Supreme Court or any court interprets a provision and gives a view, it gives it in a particular context. After seeing all the various contexts, the surrounding circumstances and every thing, a decision about the interpretation of Article 368, when there is no provision of referendum, is quite different from the interpretation which might be taken when there is a concept of referendum. The problem before the Supreme Court was this, viz., whether it is possible for Parliament, with a two-thirds majority —Parliament has very important powers etc.—i.e. in each House of Parliament, to amend something which is basic. Are they so supreme? Undoubtedly they are elected by the people, but so many other things are passed by Parliament where the power of judicial review is there. So the question before the Supreme Court was, did the Constitution regard Parliament as so sovereign or so supreme that even when some legislation amending the Constitution was found to be going against the basic concepts of the Constitution, would it still be within their power to enact it?. They took the view. "No, they would be within their power in amending the Constitution so long as they did not trample upon the basic features of the Constitution." But can you infer from that that the Supreme Court will also question the supremacy or sovereignty of the people and say that even when the people of India want to make a certain basic amendment of the Con-

[Shri Shanti Bhushan]

sitution, they are superior even to the people of India? While the question was between two institutions, namely Parliament and Supreme Court, the Supreme Court took a particular view. But the context is entirely changed. It is a well-known principles that even words take their colour and shade from the context and from the entire provision. If the provision completely stands altered that hereafter a particular amendment of the Constitution will be made with the sanction of the people themselves, I would be very much surprised if the Supreme Court even thereafter says that they will have the authority to sit in judgment on the people.

SHRI AMRIT NAHATA (Pali): He has not understood the point.

MR. CHAIRMAN: If he has not understood, you cannot make him understand by asking further questions.

SHRI AMRIT NAHATA: It is a very important point.

MR. CHAIRMAN: Will you please resume your seat? (*Interruptions*).

SHRI SHYAMNANDAN MISHRA: There are two categories of cases. The hon. Minister has preferred to refer to only one category. There can be a case where the requisite majority in both the Houses does not consider an amendment as going against the basic features of the Constitution. But the Supreme Court still rules that it goes against the basic features of the Constitution. In that case, would the matter be referred to the people through referendum? That is one category of cases. Another category is even if the referendum has decided that a particular amendment does not go against the basic features of the Constitution, but the Supreme Court rules that it is against the basic features. What happens? There would be another referendum or what?

SHRI SAUGATA ROY (Barrackpore): Ultimately the Minister will have to withdraw this clause! (*Interruptions*).

MR. CHAIRMAN: The Minister replies to what he thinks is essential. You cannot force him beyond that.

SHRI SHANTI BHUSHAN: Those who were parties to the 39th Amendment or those whose parties were a party to the 40th Amendment, I fully appreciate their anxiety not to be a party to the referendum clause.

MR. CHAIRMAN: Now you are getting deflected!

SHRI SHANTI BHUSHAN: No, I am not getting deflected. So far as they are concerned, I fully appreciate that they would not like to lose the power of making any kind of amendment. 39th Amendment, 40th Amendment, 41st Amendment, 42nd Amendment—in that series it can be imagined as to what kind of amendments would be considered expedient by them for certain purposes in certain situations. If they are anxious not to have the check of the people on the exercise of that power, I can fully appreciate and understand it.

So far as indirect amendment is concerned, I am very sorry that the hon. member, Shyambabu, for whom I have the highest esteem, is under the impression that an ordinary Act can indirectly amend the Constitution. There is a wellknown principle that an ordinary Act has to be consistent with the provisions of the Constitution. If it is repugnant to the provisions of the Constitution in the slightest respect, it falls down straightaway. Therefore, an indirect amendment of the Constitution cannot be brought about by an ordinary enactment. That is such a well established proposition that an hon. Member of the eminence of Shyambabu need not have any doubts on that score.

MR. CHAIRMAN: He has an illusion that you might accept his amendment!

SHRI SHANTI BHUSHAN: Certain other amendments have been suggested, but as I have said, the basic idea of this referendum clause is that if there are certain possible amendments which are likely to disturb democracy and affect the rights of the people, wherever it will not be possible to trust the judgement of the elected representatives of the people, there the people's intervention is absolutely essential, and that is why this clause has been put in. Where such intervention of the people is not required because their rights are safe, there are elections and so on, it is not necessary. But, instead of making it un-amendable, a process has been devised, a difficult process, no doubt, as somebody said. No Government would easily go in for a referendum. Of course, the experience of other countries has been referred to, but I would like to say that a referendum cannot be taken for granted. In Australia, any amendment of the Constitution made by Parliament requires to be ratified by the people. In about 30 cases, Parliament after having voted the amendments, went to the people, but in hardly half a dozen cases it was able to obtain the endorsement of the people. The people rejected the amendments which had been made by Parliament in a large number of cases.

SHRI SHYAMNANDAN MISHRA: It is not amendment, but abrogation of the Constitution.

SHRI SHANTI BHUSHAN: So far as the abrogation of the Constitution is concerned, it is not contemplated. Who can even imagine that the people would be abrogating democracy, would be abrogating adult franchise? Of course, it will be showing complete distrust in the people to say that they would not know their interests, that they will vote in a referendum for the liquidation of democracy, for the liquidation of adult franchise or free and fair elections or the independence of the judiciary. No, nothing of the kind. But the only question is that there may be border line cases in which it is possible for a jurist to take the view that although the people feel that their interests are not affected, it effects, the secular character in this manner, it affects democracy in this manner, it affects the independence of the judiciary in this manner and so on and thus frustrate the will of the people. So, this safeguard has been made. That is why there is this balance of arrangement, neither this extreme nor that extreme, because dangers have to be avoided either way. Avoiding these dangers, such a path has been adopted which will make it very difficult to tamper with the rights of the people. If at some stage it becomes necessary to go to the people so that they can recognise and identify their interests, it should not become impossible, and it should not be by a revolution alone that a big, change can be brought about.

It was said that in no general election the percentage of voting has been over 50 per cent. Even the last Lok Sabha election in 1977 shows a percentage of only 58.6. But a referendum will be a general thing. It would be on an issue which is really vital and necessary for the people. If it is so vital, obviously it will be possible for the political parties to explain it to the people and get at least 51 per cent of them to participate in the referendum. Therefore, Madam Chairman, I am concluding with the hope and trust that though some of the hon. Members might have spoken against this clause, they would reconsider the matter, they will realise, understand and appreciate that this is a clause which is very vital in the interests of the people, which provides such a balance between the two extremes and, therefore, they will not miss

[Shri Shanti Bhushan]

this historical opportunity of involving the people in the amendment of their own Constitution.

MR. CHAIRMAN: There are no amendments to clause 46.

Clause 47 (*Amendment of the Seventh Schedule*)

MR. CHAIRMAN: We will now take up clause 47.

SHRI H. L. PATWARY: (Mangaldoi): I beg to move:

Page 14,—

omit lines 20 to 24. (8)

SHRI SOMNATH CHATTERJEE: I beg to move:

Page 14,—

after line 19, *insert*—

'(iia) for entry 3, the following entry shall be substituted, namely:—

"3. Administration of justice; constitution and organisation of all courts, except the Supreme Court and the High Court; Officers and Servants of the High Court; procedure in rent and revenue courts; fees taken in all courts except the Supreme oCurt."' (26)

Page 14,—

for lines 32 to 38, *substitute*—

"(i) entry 11A shall be omitted". (27)

SHRI EDUARDO FALEIRO: I beg to move:

Page 14,—

omit line 40 to 42. (103)

SHRI P. K. DEO: I beg to move:

Page 14,—

omit lines 25 to 27. (152)

Page 14,—

omit line 39. (153)

SHRI R. VENKATARAMAN: I beg to move:

Page 14,—

omit lines 20 to 27. (167)

Page 14,—

omit lines 39 to 42. (168)

SHRI G. M. BANATWALLA (Ponnani): I beg to move:

Page 14,—

after line 31, *insert*—

"(i) entry 3 shall be omitted" (180)

SHRI HARI VISHNU KAMATH: I beg to move:

Page 14, line 42,—

add at the end—

";technical education, medical education" (360)

SHRI G. NARSIMHA REDDY: I beg to move:

Page 14,—

after line 42, *insert*—

"25A. Education, including Universities, subject to the provisions of entries 63, 64, 65 and 66 of List I and entry 25 of List III". (370)

SHRI V. ARUNACHALAM ALIAS 'ALADI ARUNA': I beg to move:

Page 14, lines 22 to 24,—

omit "subject to the provisions of entries 63, 64, 65 and 66 of List I and entry 25 of List III;" (378)

SEVERAL HON. MEMBERS *rose*—

MR. CHAIRMAN: I have called all the amendments in the list. The rules are that if a similar amendment is moved, before your amendment has come serially, I do not call you to move your amendment. This is the rule, and we have been following it.

श्री उदयसेन (देवरिया) : सभापति महोदय, मैं ने इस क्लाज पर संशोधन संख्या 348 दिया हुआ है । आप मुझे इस पर बोलने का अवसर तो देंगी ?

MR. CHAIRMAN: It does not shut you out from speaking. That is also provided in the rules. I thought you knew it.

श्री एच० एल० पटवारी (मंगलदाई): सभापति महोदय शिक्षा को समवर्ती सूची से निकालकर उसे राज्य का विषय बनाने के लिए जो संशोधन लाया गया है, मैं उस का विरोध करता हूं। इस बारे में मैं ने एक संशोधन पेश किया है । मैं उम्मीद करता हूं कि सारा सदन शिक्षा को राजनीति से ऊपर रख कर, इस बारे में पार्टी पालिटिक्स न कर के, सारे देश के लोगों में एक वातावरण बनाने के लिए इतिहास की रचना करेगा। मैं अपने किसी नेता को नीचा दिखाने के लिए यह संशोधन नहीं लाया हूं । हमारे सदन के नेता कहते हैं कि मैं शिक्षा नहीं जानता । लेकिन मुझे जिन लोगों ने भेजा है वे शिक्षा जानते हैं । मैं जिन को रेप्रेजेन्ट करता हूं वे शिक्षा जानते हैं । सारे देश के 26 लाख अध्यापक ही नहीं, उन के साथ दस करोड़ बच्चे और उन के दस करोड़ अभिभावक इस में मेरे साथ हैं । इतना ही नहीं, आज सारा सदन मैं समझता हूं शिक्षा को समवर्ती सूची में रखने के लिए मेरे साथ है । ... (**व्यवधान**) ... देश की सारी जनता हमारे साथ है । जनता पार्टी की स्टैंडिंग कमेटी फार एजूकेशन जो है उनका रेजोल्यूशन है कि शिक्षा को समवर्ती सूची में रखा जाये । जो कंसल्टेटिव कमेटी अटैच्ड टु दी एजूकेशन मिनिस्ट्री है वह कहती है कि शिक्षा को समवर्ती सूची में रखा जाय । हमारी पार्टी मिटिंग हुई थी। उस की अन्दरूनी बात नहीं कहनी चाहिए, लेकिन वह अखबारों में आ गई कि शांति भूषण जी कहते हैं कि मैं इस पर पुनर्विचार करूंगा और मैं विरोधी दल से बातचीत कर रहा हूं । आज सवेरे मुझे इतने सारे टेलीग्राम मिले हैं जिन में यह कहा गया है कि शिक्षा को समवर्ती सूची में रखना चाहिए । टेलीग्राम देश के दक्षिण पूरब पश्चिम उत्तर सब तरफ से आए हैं। 12 दिसम्बर को 2 लाख अध्यापक यहां आए थे। जिस में सदन के इस पक्ष के और उस पक्ष के लोग भी थे । उन के सामने हमारे मंत्री महोदय बाजपेयी जी भी वहां बोले, कि इस पर गंभीरता से विचार किया जायेगा । चन्द्रशेखर जी जो हमारी जनता पार्टी के अध्यक्ष हैं कल उन्होंने भी कहा था कि पटवारी जी, मैं आपका समर्थन करता हूं । यह तो बहुत अच्छी चीज है । जब सभी कहते हैं कि अच्छी चीज है .. ... (**व्यवधान**) ... सोमनाथ चैटर्जी से कहने की जरूरत नहीं है । उन लोगों को हमारे देश की संस्कृति से कोई प्यार नहीं है, उन को हमारे देश की सभ्यता से कोई प्यार नहीं है । उन लोगों से जो हमारे प्रधान मंत्री ने समझौता किया है वह गलत समझौता है । देश माफ नहीं करेगा । इसलिए इन लोगों से कहने का कोई फायदा नहीं है । देश के प्रति जिन को प्यार है, जिन को देश की संस्कृति से प्यार है, जो भारतवर्ष को एक चाहते हैं उन लोगों से मैं समझौता करने के लिए तैयार हूं । जो लोग रिपब्लिक से अलग कंट्री चाहते हैं , जो देश के टुकड़े करना चाहते हैं उन के साथ मैं समझौता नहीं करना चाहता । इसमें सब हमारे साथ हैं कि शिक्षा को समवर्ती सूची में रखा जाये। आप अभी वोट ले लीजिए तो आपको मालूम

[श्री एच एल पटवारी]

पड़ जायगा इस में हमें सारे सदन का समर्थन प्राप्त है। इसलिए मैं अपना अमेंडमेंट बड़ी शांति के साथ और बड़ी नम्रता के साथ रख रहा हूं। शांति भूषण जी की मैं बहुत इज्जत करता हूं, अपने नेता की बहुत इज्जत करता हूं। लेकिन देश के साथ तमाशा नहीं कर सकते।

श्री सभापति महोदय : अब आप शांति के साथ खत्म कीजिए।

श्री एच०एच० पटवारी : मैं बहुत शांति के साथ बोल रहा हूं। मैं दो तीन प्वाइंट रखता हूं। पहली बात तो यह है कि जो ज्योति बसु और सी० पी० एम० वाले यह कहते हैं कि शिक्षा को कान्करेंट लिस्ट में हम नहीं चाहते हैं, वही ज्योति बसु वस्ट बंगाल की असेम्बली में बोले थे कि शिक्षा केन्द्रीय विषय होना चाहिए, आप वहां की प्रोसीडिंग्स मंगा कर देख लीजिए।

दूसरी बात — आज शिक्षा स्टेट सब-जेक्ट है तो शिक्षा में क्या हो रहा है? आज वहां सुभाष चन्द्र बोस की फोटो किताबों से निकाल रहे हैं, महात्मा गांधी की फोटो किताबों से निकाल रहे हैं, मोरारजी भाई की फोटो निकाल रहे हैं, यह आज कल चल रहा है। मैं जम्मू कश्मीर गया था वहां वह क्या कहते हैं कि

"Bakshi Ghulam Muhammad is the greatest person in this country; he is greater than Gandhi."

यह चीज वहां स्कूल में पढ़ाते हैं। इस तरह की चीज हमारे देश में चल रही है।

मैंने पहले आप से निवेदन किया है कि इस प्रश्न पर आप दलीय राजनीति से प्रभावित न हों। आप के भी बच्चे हैं, मेरे भी बच्चे हैं, इस संशोधन को मान लेने से सब बच्चे एक साथ रहेंगे, एक सा देश को बनायेंगे। कुछ लोग कहते हैं कि हम शिक्षा को स्टेट सब्जैक्ट बनायेंगे। हमारे कांस्टीट्यूशन का आर्टीकल 3 स्टेट्स के गठन के मामले में फ्लेक्सिबिल है, फिक्स्ड नहीं है। स्टेट की सीमा को आप बढ़ा सकते हैं, छोटा कर सकते हैं, दो राज्यों को एक कर सकते हैं, एक राज्य के छः राज्य कर सकते हैं। जब यह फ्लैक्सिबिल है और आप उन के हाथ में शिक्षा को दे देंगे, तो मान लीजिये—जैसे आर्टीकल 29 में माइनारिटीज की शिक्षा का सवाल है — अगर कोई स्टेट कहे कि हम उस को नहीं मानेंगे—तब क्या स्थिति होगी? आर्टीकल 12 से 25 फंडामेन्टल राइट्स के बारे में है —अगर कोई स्टेट कह दे कि हम उन को नहीं मानेंगे— तब क्या स्थिति होगी? स्टेट में विवाद शुरू हो जाएगा और उसका परिणाम होगा —स्टेट के टुकड़े होना। इसी तरह से यदि स्टेट में खराब शिक्षा दी जाएगी— तो उस से देश के टुकड़े होंगे। आज भी कहीं-कहीं सिखलाते हैं—

"Bloody Indians have no place in this country"

इसका मतलब क्या है? मेरे पास चिट्ठी है —

Bloody Indians have no place in our country

इसका मतलब क्या है—आप भी समझते है और मैं भी समझता हूं।

Within a country, they want more countries.

वह कौन सी कन्ट्री चाहते हैं, नकली सौदा करना चाहते हैं, हमारी संस्कृति को तोड़ने के लिए, हमारे देश के टुकड़े करने के लिये। इस लिये महोदया, मैं कहना चाहता हूं कि "इण्डिया" की यूनिटी-इन-डाइवर्सिटी है। इण्डिया की सोसायटी

फैडरल है, लेकिन राजनीति फैडरल नहीं है । हम अपनी स्टेट की सीमा को छोटा बड़ा कर सकते हैं, लेकिन एक हिन्दू को मुसलमान नहीं कर सकते हैं और नहीं मुसलमान को हिन्दू कर सकते हैं । ये विभिन्न भाषा गोष्ठी जो एक स्वतंत्र समाज है हमारे फन्डामेन्टल राइट्स में है, और उसी सुरक्षा के आधार पर हम ने अपने संविधान को बनाया है ।

कल हमारे नेता मोरारजी भाई से इस बारे में मेरी बात हो रही थी—वह कह रहे थे कि शिक्षा केन्द्रीय सूची में है, इसी लिये देश बरबाद हो गया । मुझे बड़ा अफसोस है—उन को यह भी पता नहीं है कि शिक्षा कहां है और किस सूची में है। शिक्षा शुरू में स्टेट सब्जैक्ट थी, 1976 में कानकरेन्ट लिस्ट में आई और अब उस को फिर वापस देना चाहते हैं । यह हमारे देश का बड़ा दुर्भाग्य है—जो भी व्यक्ति प्रधान मंत्री बनता है, उसी दिन से उस के विरुद्ध बाहर आलोचना शुरू हो जाती है कि वह डिक्टेटर है । हम आज इंदिरा गांधी की आलोचना करते हैं—मैं भी जानता हूं और मैं भी उसका शिकार हूं—लेकिन अगर उन से हमारा व्यवहार अच्छा नहीं होगा, तो फिर लोग हम को क्या कहेंगे । जय प्रकाश जी ने कहा था—गलत बात को मत मानों । अन्याय जो करे और अन्याय जो सहे—वे भी दोषी हैं। आज किस कारण से हम अपने अविवेक के खिलाफ़ काम करेंगे तो यहां अपनी मेम्बरशिप रखने के लिए तो बच जायेंगे लेकिन उस के बाद जो निराकार शक्ति और साकार शक्ति—जनता-जनार्दन है, उस के सामने हम नहीं बच पायेंगे ।

MR. CHAIRMAN: I think that is a good point on which you can conclude.

श्री एच०एल० पटवारी : मैं जल्दी जल्दी बोल रहा हूं । सब से पहले आप शिक्षा को समवर्ती सूची में रखिये । आप अगर यह कहते हैं कि स्टेट्स को ज्यादा ओटोनामी मिले, ज्यादा पावर मिले, तो दूसरे और विषय आप उन को दे दीजिए । जब आप नागरिक तैयार करते हैं, तो इण्डियन नागरिक तैयार करते हैं स्टेट नागरिक तैयार नहीं करते हैं । जब अपने कांस्टीट्यूशन के मुताबिक आप इण्डियन नागरिक तैयार करते हैं तो पूरे राष्ट्र को एक सूत्र में बांधने के लिए आप शिक्षा को समवर्ती सूची में रखें ।

MR. CHAIRMAN: I think you please conclude now.

SHRI P. VENKATASUBBAIAH: Madam, he is making very good points.

MR. CHAIRMAN: There are many more good points which many other hon. Members would like to make.

श्री एच० एल० पटवारी : मुझे थोड़ा समय और दीजिए । सभी मुझे सुनना चाहते हैं ।

MR. CHAIRMAN: Please leave some points to others also.

श्री एच० एल० पटवारी : मेरा निवेदन यह है कि शिक्षा को समवर्ती सूची में रखने के लिए इसके सपोर्ट में बहुत सारे प्वाइण्ट्स हैं लेकिन प्रश्न यह है कि समय बहुत सीमित है । इसलिए मैं उस प्वाइंट को संक्षेप में रखता हूं । मेरा सुझाव तो यह है कि श्री शान्ति भूषण अपना अमेंडमेंट वापस ले लें, नहीं तो मेरे इस अमेंडमेंट को मान लें । और वे ऐसा नहीं करते हैं तो इस क्लाज को इस कांस्टीट्यूशन (अमेण्डमेंट) बिल से कम से कम बाहर रख दें और जो अमेंडमेंण्ट वे लाए

[श्री एच० एल० पटवारी]

हैं, वे न लाएं, जनता की राय के लिए पूछें जनता इस को अपने आप कर लेगी । रेफ्रेंडम में यह स्टेट लिस्ट में नहीं रहेगा अगर आप इस पर रेफ्रेण्डम कराएंगे, तो जनता इस को समवर्ती सूची में रखने के लिए अपना मत देगी ।

MR. CHAIRMAN: Please conclude, Patwaryji. You are supposed to speak on this amendment and not on referendum. It is over, you please confine yourself and conclude now.

श्री एच० एल० पटवारी आप यह देखिए कि मेरा जो एमेंडमेंट हैं, उस को जनता पार्टी के सारे लोग मानते ही हैं, उस के अलावा कम्युनिस्ट पार्टी और कांग्रेस पार्टी के लोग भी मान रहे हैं । इसलिए आप मेरे इस एमेंडमेंट को मान लें ।

MR. CHAIRMAN: They will be speaking on behalf of their Party. You please now conclude

श्री एच० एल० पटवारी: अब हमारा जो यह सदन है, आप इस सदन में देख लीजिए कि सब लोग हमारे इस एमेंडमेंट के साथ हैं, एण्टायर हाऊस, सारा सदन हमारे साथ है । तो मैं विधि मंत्री जी से प्रार्थना करूंगा कि वे मेरे एमेंटडमेंट को स्वीकार कर लें । उन का जो एमेंडमेंट है, उस का मैं विरोध करता हूं । देश को बचाने के लिए, मेरे एमेंडमेंट को आप मान लेंगे और अपना एमेंडमेंट वापस ले लेंगे, ऐसी मैं आशा करता हूं । यही मेरा निवेदन है ।

MR. CHAIRMAN: Mr. Somnath Chatterjee.

श्री रामनरेश कुशवाहा (सलेमपुर) : मेरा क्या हुआ । .. (व्यवधान) .. मेरा नाम भी इस एमेंडमेंट के साथ है, आप मुझे भी मौका दें । आप दूसरों को, जिन को जानती हैं, बुला लेती हैं, लेकिन इधर हमें नहीं बुलाती हैं ।

MR. CHAIRMAN: Please resume your seat. I am going by turn. You will be called later.

SHRI SAUGATA ROY: His name is breaketed with Mr. Patwary.

MR. CHAIRMAN: I know that I do not want to be briefed by you.

SHRI SAUGATA ROY: There is nothing wrong in that.

MR. CHAIRMAN: Mr. Somnath Chatterjee is being called. You will get your chance later.

SHRI SOMNATH CHATTERJEE: My amendment is for restoration to the State List of what was previously clause 3, item 3—that is administration of justice. That is restoration of the pre-42nd Amendment position. I do not know why the government....

MR. CHAIRMAN: I request hon. Members to listen to the Member who is speaking. Kindly let there be less noise in the House.

SHRI C. N. VISVANATHAN (Tiruppattur): Madam Chairman, what is going on there?

15.00 hrs.

MR. CHAIRMAN: Mr. Patwary, will you please resume your seat? I am very sorry at this. If you wish to be congratulated, do it in the Central Hall. Mr. Chatterjee.

SHRI SOMNATH CHATTERJEE: Madam, Chairman, you are aware that the Fortysecond Amendment Bill was a calculated attempt to denigrate the judiciary and a deliberate attempt was made to concentrate the powers in the hands of the Central. And evenwith regard to judiciary, there was an amendment to Article 312 of the Constitution regarding formation of an all-India Judicial Service.

But, Madam, so far as we are aware, the Government has taken a decision that in view of the justified attitude of the different State Governments including the Janata Gov-

ernments in various States, they don't want the All-India Judicial Service. Therefore, there should not be any attempt to formulate or form the all-India Judicial Service. It is found apart from other things to impinge on the rights of the State Governments. Although it is bound to remain a deadletter, why should Central Government keep it to itself the vestiges so that the draconic Fortysecond Amendment will continue and stultify the proper functioning of the judiciary, if I may say so, if it is going to be amended. Therefore, I am opposing this amendment. I request the Law Minister to restore the Pre-Forty-second Amendment position so far as this item 11(a) and my amendment to Item 26 is concerned.

Now, I must express our happiness that from List 1, Item No. 2(a) is being deleted. It has been agreed in all quarters and this was one of the apprehensions that an attempt was made to deploy the para military forces from the Centre to really bring different States under control. Now that is being obliterated. This shows that that was a part of the fabric of the federal structure in this country.

This game was a nefarious object to concentrate all powers in the hands of the Centre. It was a dream that one person will continue in this country to rule for ever and, therefore, the progeny will continue to hold the banner. But the people of this country have shattered their dream and I hope not only this House but also the people of this country will remain always alert so that the people are never able to come back again in power in this country and thereby mutilitate the Constitution again, and then destory the very federal structure, even the quasi-federal structural of this country. My hon. friends have also proposed an amendment, a consequential amendment of 27. That is for the omission of entry 11A from the Concurrent List which relates to the administration of justice.

Before I conclude I am happy also that education is being sent back to the State List where it should belong properly. I do not know if Mr. Patwary has been chosen as the spokesman of the Janata party. After hearing his speech, I am much more convinced that education will come back from Central List to the State List. Now the position is this. There is an attempt to impose Hindi language in different States. It is for good reason but that is creating resistance. Even those people who are willing to learn the language, because of the feeling of imposition, that is being created in this country, have naturally this resistance. The resistance is naturally in all parts of the country.

Madam, we are opposed to any such control. After all you have to understand the rudiments of Hindi. There are people who are willing to learn. But, if you try to impose anything on anybody, naturally, they feel that it is a calculated attempt to impose hegemony or rule on particular people for speaking a particular language. That is bound to be resisted. Therefore, apart from education, one of the very minimum things that the State Governments have to do, the very important thing to do, is to see that education gets a separate place and it has a separate culture also.

Therefore, you must allow them to have their fulfilment in their own way. May I ask my hon'ble friends in the Janata Party who are found today in the similar fashion when I used to hear table thumping during the days of Forty-second amendment or during the days of Emergency when they were supporting without hearing the great leader, the similar table thumping will not help you. Please consider whether the Central Government has been able to deliver the goods to the people of this country. Whatever power you have, have you used if for the good of the people. Thirty years of Central hegemony has it helped in uplifting the condition of the people of this country or more and more people have gone below the poverty line? Further, are you able

[Shri Somnath Chatterjee]
to control your Central institutions? What is happening to Jawahar Lal Nehru university? What is happening to the other universities? Therefore, I do not want to enter into any controversy. (*Interruptions*).

This is a matter which should be decided by mutual discussion and negotiation and on good feelings. There is no reason to have any confrontation on this delicate question. Nor do I want to raise it. So, I am appealing to the Janata party members that when Government has come forward with this proposal to send back education to the State List they will accept it because there is a feeling among large sections of the people in this country that that was taken from the Central list or the Concurrent List with the object of imposing a particular type of educational policy to suit some people or those people in power who have the least regard for either democracy or parliamentary system of government of even any decent sense of society in this country. Therefore, we are thankful to the government that they have suggested bringing it back to the State List and I request the hon'ble Minister and the ruling party to accept my amendment which will restore administration of justice to its proper place.

SHRI HARI VISHNU KAMATH (Hoshangabad): Madam Chairman, I will be very brief. I would like to seek a clarification through my amendment No. 360 List 45. The House will see that in the Bill before the House Clause 47 sub-clause (b) (iii) the amendment sought to be inserted now is:

> "After entry 10, the following entry shall be inserted, namely:—
>
> "Education, including universities, subject to the provisions of entries 63, 64, 65 and 66 of List I and entry 25 of List III.";

Now please turn to page 42 of this Bill. On page 42, entry 25 of List III-Concurrent List reads as follows:

> "Education, including technical education, medical education and universities, subject to the provisions of entries 63, 64, 65 and 66 of List I; vocational and technical training of labour."

Coming to the Concurrent List, you have entry 25 at the bottom of the page which we are seeking to amend. You have 'vocational and technical training of labour'. Now, if you compare it with the existing entry 25, in the concurrent list, there are two subjects which are omitted. This is somewhat of a lacuna, and I would like to see some light in this darkness. and so I want to include technical education and medical education. This should be included along with Vocational and technical training of labour. I am sure the House will agree to this amendment. I place this amendment for the earnest consideration of the House. Otherwise there will be a lacuna. Otherwise I don't know where it is sought to be included—technical education and medical education. I hope the hon. Minister will accept the amendment of mine.

SHRI P. VENKATASUBBAIAH (Nandyal): Madam Chairman, with regard to the exclusion of the subject Forest and Education from the concurrent list, to be included in the State List, I may say, we are totally opposed to this exclusion from the Concurrent List and inclusion in the State List.

Madam Chairman, I may say that our country is having different cultures, languages and religions, but there is an inherent unity in diversity. From Kashmir to Kanyakumari every one is considered to be an honourable citizen of this country. The only thing uniting all citizens of the country is Education, wherever they may be living, in any part of the country. They are all part and parcel of the country.

But, unfortunately, in this country, certain positions are taken by certain sections of people. One is Anti-Hindi. Another is Anti-English. We don't find Pro-Hindi or Pro-regional language or the mother tongue. It is un-

fortunate that certain parties have developed a sort of vested interest in preaching their political philosophy based on the question of language.

We are wedded to the three language formula. It is as per the larger interests of the country that we should adhere to this principle so that the country may remain in tact. At one time, this subject 'Education' became a very controversial subject. Many commissions were set up. We have had experiments with educational policies. The result is, our people and posterity are going to suffer for a long time to come.

One great leader has once remarked like this. He said that a time may come when an Indian, if he wants to speak to another Indian, may have to speak only through the help of an interpreter. This should not happen in this country. We should uphold the sovereignty and integrity of the country. Education has been placed in the Concurrent List. It has not been put in the Union List, it is in the Concurrent list. We are neither unitary nor federal. We are quasi-federal as per the constitution that we have enacted. We started with the concept of a unitary form of Government when we worked under the Government of India Act of 1935. When the Constitution was framed, it was an extension of the Government of India Act, 1935 and the founding fathers thought it suitable that this country should be a quasi-federal system of Government. Some political parties have preached the philosophy of nationalities. They said that this country does not constitute a singular nation, but it is composed of different nationalities and different independent States. This is their philosophy. The quit India movement was launched in this country in 1942; I know a particular party had been advocating this thesis of different nationalities and various sovereign independent States in this country. We do not subscribe to this philosophy.

SHRI SAMAR MUKHERJEE: Distortion of facts.

SHRI P. VENKATASUBBAIAH: I would further go to say that those people have no loyalty towards the integrity and sovereignty of this country; their loyalty is extra-territorial.

In this context, I would like to remind the hon. House that if the Education is taken away to the State List, the presence of Dr. Chunder will become irrelevant in this House.

THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE (DR. PRATAP CHANDRA CHUNDER): Was it irrelevant when Maulana Abul Kalam Azad was present here?

SHRI P. VENKATASUBBAIAH: I only plead that we should consider this matter very carefully in the interest of the country and unity of the country. We have adopted Hindi as our official language, but that does not mean that Hindi has to be imposed on us. We have to learn it and adopt it. There are many parts of the country, where they have accepted this formula of Hindi ultimately becoming the official language, but the trouble comes when the Hindi fanatics try to impose it on the unwilling people. So is the case with the other people. I will reiterate my stand that education for the welfare of this country, for the integrity and sovereignty of this country should remain on the Concurrent List.... *(Interruptions)*

Coming to the forests, I also plead that forests should be placed in the Concurrent List. We know what havoc has been caused by denuding our forests. Recently, I had the occasion to read two articles under the caption of the Himalayan Blunder, which indicated how the Himalayan forests are being denuded. In order to save this country from the ravages of floods and in order to develop the forest wealth, it is extremely necessary that

[Shri P. Venkatasubbaiah]

forests should be brought in the concurrent List. Being in the Concurrent List does not mean that it is the exclusive prerogative of the Union, the State Governments have also to play an important role in these matters. There has to be a coordination between the State Governments and the Central Government in the matter of administering the subject in the Concurrent List. At one time, we had pleaded that major irrigation should be in the Concurrent List. We know, how many water disputes have been there much to the detriment of the advancement of the country. It is, therefore, in the national interest that these two subjects must be allowed to be included in the Concurrent List.

श्री राम नरेश कुशवाहा (सलेमपुर) : सभापति महोदया, मैं आप का आभारी हूं कि आप ने मुझे बोलने का अवसर दिया। मेरे अमेंडमेंट नम्बर 8 और 300 हैं। मैं चाहता हूं कि शिक्षा समवर्त्ती सूची में ही रहे। हमारे माननीय शिक्षा मंत्री जी ने एक बार कहा था कि शिक्षा समवर्त्ती सूची से हटेगी तो उसका नतीजा आप ने देखा है। उत्तर प्रदेश में एक महीने तक अध्यापकों का आन्दोलन चला और यहां पर हजारों हजार प्राथमिक शिक्षक आ गए थे प्रदर्शन करने के लिए। आप को यह समझना चाहिए, यह देश के अध्यापकों की भावनाओं का प्रश्न है। अध्यापक चाहते हैं कि शिक्षा समवर्त्ती सूची में रहे।

दूसरी बात मैं कहना चाहता हूं— आप समझ लीजिए कि शिक्षा अगर समवर्त्ती सूची में नहीं रहेगी तो सम्भव है आगे चल कर यह देश खण्ड खण्ड हो जाय क्योंकि देश में एक नहीं अनेक समस्याएं हैं जिन पर आप को कन्ट्रोल करना होगा। शिक्षा सारे देश में एक समान होनी चाहिए, एक तरह की होनी चाहिए। शिक्षा अगर समवर्ती सूची में नहीं रहेगी तो आप के पास और कोई हथियार नहीं है जिस से कि सारे देश में एक तरह की शिक्षा चला सकें।

15.22 hrs.

[MR. SPEAKER *in the Chair*].

एक उदाहरण मैं आप को देना चाहता हूं। त्रिभाषा सूत्र आप ने पैदा किया लेकिन क्या सारे देश में उस का पालन हो रहा है? उत्तर भारत में जहां हिन्दी भाषी राज्य है वहां उस त्रिभाषा के नाम पर कितना जालबट्टा है? त्रिभाषा सूत्र का साफ मतलब था कि हिन्दी राज्यों में छात्र अपनी मातृ भाषा के अतिरिक्त हिन्दुस्तान की एक कोई और मातृभाषा पढ़ेंगे, किसी और प्रदेश की एक भाषा पढ़ेंगे। लेकिन त्रिभाषा सूत्र में संस्कृत को डाल कर सारे उत्तर भारत में न तो तामिल, न तेलगू, न मलयालम, न कन्नड़, न गुजराती, न बंगाली, न मराठी, न कोई और भाषा पढ़ाई जाती है। मैं आप से कहना चाहता हूं कि यह जालबट्टा आप नहीं रोक सकते और नहीं रोकेंगे तो नतीजा क्या होगा? हमें तो उस समय बहुत कष्ट होता है जब हमारे उधर के भाई अंग्रेजी के लिए झगड़ा करते हैं। मुझे प्रसन्नता होती अगर वह कहते कि अंग्रेजी की जगह पर तामिल, तेलगू, मलयालम, कन्नड़ या दक्षिण की कोई और भाषा रखी जाय। लेकिन यह नहीं होता है और मैं समझता हूं कि अगर उत्तर भारत में त्रिभाषा के नाम पर संस्कृत पढ़ाई जाती रहेगी तो निश्चित रूप से यह एक बड़ा भारी विघटनकारी कार्य होगा। क्योंकि न तो हम दक्षिण को समझ पाएंगे और न दक्षिण के लोग उत्तर को समझ पाएंगे। अंग्रेजी जानने वाले इस देश में केवल दो प्रतिशत हैं, वह दो प्रतिशत लोग सारे देश की जनता की ठेकदारी लिए हुए हैं। हम क्या कहें? हम लोगों ने डा० लोहिया

के नेतृत्व में कसम खाई थी कि हम कोई काम अंग्रेजी में नहीं करेंगे। लेकिन जब हम लोग हिन्दी में बोलते हैं तो कई लोग उसको समझते ही नहीं और या फिर हिन्दी बोलने वालों को समय ही नहीं दिया जाता। इतना ही नहीं है, बहुत जगहों पर गांधी जी के नाम से घृणा है, बहुत जगहों पर दूसरे के नाम से घृणा है और अगर आप पूरा पूरा प्रान्त पर छोड़ देंगे तो पता नहीं किस तरह की शिक्षा चलेगी या क्या चलेगा यह भगवान ही जानें। इसलिए मैं कहना चाहता हूं कि अगर देश को एक सूत्र में पिरोना चाहते हैं और अगर इस देश में भावनात्मक एकता लाना चाहते हैं, अगर यह चाहते हैं कि इस देश का शिक्षक शांति से रहे तो आप समवर्ती सूची में शिक्षा को रखिए, इस को उस से हटाइए मत। उस को हटा कर आप एक अनावश्यक झगड़ा मोल रहे हैं और मैं कानून मंत्री जी से कहना चाहता हूं, उन से काफी बातें मैंने की थीं और उन्होंने कुछ आश्वासन भी दिया था, वह मैं कहना नहीं चाहता लेकिन यह उन से कहना चाहता हूं कि आप अपना आश्वासन पूरा कीजिए। अगर आप आश्वासन पूरा नहीं करेंगे तो बेमतलब का एक झगड़ा सारे देश के अध्यापकों के मोल लेंगे। आखिर आप को करना होगा और आप करेंगे लेकिन अब मैं क्या कहूं? पुरानी सरकार की परम्परा आप मत चलाइए कि बिना लाठी गोली चलाए और बिना आन्दोलन के कोई काम वह नहीं करती थी। द्विभाषी बम्बई का बंटवारा हुआ लेकिन कब, जब हजारों गुजरातियों की लाशें गिर गईं। पंजाब और हरयाना का बंटवारा हुआ, तामिलनाडु और आंध्र का बंटवारा हुआ लेकिन हजारों की कुर्बानी लेने के बाद हुआ। तो वह परम्परा मत चलाइये और इस तरह का झगड़ा मत मोल लीजिए। आप बड़ी ही गंभीरता से इस बात को लीजिए। हंसी मजाक में मत लीजिए जैसे कि पटवारी जी बोलते रहे और आप आनन्द लेते रहे, हंसते रहे। यह बड़ा गंभीर मामला है, देश के बनने और बिगड़ने का प्रश्न है, राष्ट्रीय एकता और भावनात्मक एकता का प्रश्न है, इस देश के हजारों और लाखों अध्यापकों की भावनाओं का प्रश्न है। इसलिए मैं आप से निवेदन करना चाहता हूं कि आप इस को मत हटाइये, समवर्ती सूची ज्यों-की-त्यों रहे।

एक और बात कह कर मैं समाप्त करना चाहता हूं—वनों को भी आप समवर्ती सूची में लाइये। मौसम पर वनों का बड़ा भारी असर पड़ता है। राज्यों की वित्तीय स्थिति इतनी खराब हो गई है कि अपने आर्थिक साधनों को जुटाने के लिए वन-सम्पदा का बहुत बड़ा दोहन हो रहा है। अगर कहीं वन समाप्त हो गये तो सारे देश का मौसम चौपट हो जायगा। इसलिए मेरा निवेदन है कि वनों को समवर्ती सूची में रखिए, ताकि इस दश को मौसम के परिवर्तन से बचा सकें।

SHRI EDUARDO FALEIRO: Sir, the arguments against retaining Education in the Concurrent List advanced in the brilliant speech made by our colleague, Shri Somnath Chatterjee, have nothing to do with education as such, if I may say so, with utmost deference. They were political arguments. There are mainly two aspects to these arguments. Firstly, it is said that if education is maintained in the Concurrent List, State autonomy will be affected. This has nothing to do with education. Secondly, it is said that if the State list does not contain education and if it is maintained in concurrent list, there is a fear in the Southern States that the Hindi language policy will be forcibly imposed on them without their consent. The reply to these arguments is, by putting Education in the Concurrent List, it does not mean taking away Education altogether from the sphere of the States. Concurrent list gives merely enabling power. The Centre

[Shri Eduardo Faleiro]

will intervene only in certain matters and for good cause. The administration on this sphere will be with the States and in most aspects, the States will have control over education. I maintain that the general policy on education has got to be with the Centre in view of the imbalances which exist in the country between backward and other areas. In view of the educated unemployment on the one hand and the great illiteracy on the other, it is necessary that adequate funds should be made available for Education, which is possible only by keeping Education in the concurrent list. Overall control also can be exercised only then. So many resolutions are passed. All States come together and pass resolutions in Delhi. But very few States implement them. This handicap can be solved only if education is maintained in the Concurrent List. Apparently there is a pledge of the Janata Party in the Manifesto, which was being circulated just now to have Education in the State List. (*Interruptions*). I submit that the broaded national interests should prevail. There is absolute consensus among educationists that Education should be in the Concurrent List. For example, I come from the tiny backward territory of Goa where there is need to have a Central University. The Central Government have approved a university for Goa. There have been two seminars in which eminent educationists have participated. All of them have said that the best thing is to have a Central University which will deal with specified subjects not available in the neighbouring States such as mining, oceanography and such other subjects. Because of political interests and for having their own control over it, the State Government may like it to be a State University. But our territory has no financial resources to set up a university for subjects such as I mentioned. The State University will just be a replica of the universities in neighbouring States of Karnataka and Maharashtra. It will increase educated unemployment, create duplication and will maximise the problem and will lead to nothing. For all these reasons and many more, education must remain in the Concurrent List.

MR. SPEAKER: Shri Deo.

SHRI SAUGATA ROY: I have given amendments Nos. 111 and 112.

MR. SPEAKER: They are covered by earlier amendments.

SHRI SAUGATA ROY: But we can speak. Everyone has spoken. If the amendments are common, they cannot move the amendments. But they can speak. All right. Let him speak.

SHRI P. K. DEO (Kalahandi): I have moved amendment Nos. 152 and 153. The effect of these amendments is that forests should be in the Concurrent List. As a result of the Forty-second Amendment the subjects of forests and protection of wild animals and birds were incorporation as Entry Nos. 7A and 7B in the Seventh Schedule of the Constitution.

In this regard I beg to submit that preservation of forests is a national problem. As early as 1952 the First Lok Sabha adopted the National Forest Policy. In the course of 25 years we have seen that the result has been opposite. There has been large-scale denudation of forests, indiscriminate cutting of trees, which has resulted in unprecedented floods. There is no uniform law, there is no determination on the part of the authorities who are in charge to preserve the forests.

So, I beg to submit that as a result of 25 years of experience we find that absolutely no scientific policy is being followed, rather, a colonial policy is being followed to expoit the forest resources only for the sake of revenue.

Forests are auctioned to the contractors and like the Juggernaut they enter the forest and completely destroy it. They bring ecological and environmental problems, they reduce rainfall, they bring soil erosion, they bring desert conditions.

In this regard, the other day there was a seminar by the Himalaya Seva Sangh on this subject, and my learned friend Shri Bahuguna said there:

"Here, erosion in the catchment area is 150 acre feet of soil per 100 sq. miles, whereas in the catchment area of the Columbia river, the rate of erosion is only one acre foot of soil per 100 sq. miles. Figures for some of the other rivers are as follows:

Beas	. .	400 acre feet
Ravi	. .	400 " "
Yamuna	.	400 " "
Kosi	. .	500 " "

"You can imagine what the life expectancy of our huge dams could be? How many years it would be before they were silted up? The question of soil erosion is a formidable question before us.

"Every year some six crores tons of soil is being washed away into the sea. The loss must come to about Rs. 7000 crores in the form of nitrogen, potash and phosphates."

In the same Seminar, in his Valedictory Address, Shri Barnala estimated that the forests occupy barely 74.5 million hectares which is about 22.7 per cent of the total geographical area of the country. According to the Forest Policy which we adopted, we must have 33 per cent of the country covered by forests, but even this 22.7 per cent mentioned by Shri Barnala is an over-estimate, and experts say that it will not be more than 11 per cent. Similar figures for some important developed countries like Japan, USSR and USA are 69 per cent, 41 per cent and 32 per cent respectively. This clearly brings out the obvious fact that we are far behind many countries of the world in this regard. This is the gist of the speech of Shri Barnala.

I feel that before we have a food famine, we will be very soon facing a firewood famine. So, there should be a national perspective to this forest problem, and a national policy should be evolved which will be implemented by all the States uniformly.

The other day there was a debate on floods here, and we came to learn that there is an annual loss of Rs. 200 crores due to the ravages of floods. The Wild Life Preservation Society of India passed a resolution on the 19th of this month requesting the Government to have second thoughts in this matter and to put forestry in the Concurrent List. As I happen to be the President of the Society for Delhi, I thought it my duty to bring this to the notice of the House. In this regard, the Centre cannot abdicate its responsibility. So, it should continue to be in the Concurrent List. For such a simple amendment, I do not think any persuasion would be required. As it cuts across all party lies, I would appeal to the conscience of the Members and I would commend it for the acceptance of the House.

SHRI G. M. BANATWALLA: The Sermon on the Mount says that you cannot serve both God and Mammon at the same time. Similarly, our hon. Law Minister, Shri Shanti Bhushan, cannot love rule of law and still have attachment and affection for the concept of preventive detention at the same time.

It is most unfortunate that legislation for preventive detention is a matter of normal peace time legislation, and not only the Centre but the States also have the power....

SHRI KANWAR LAL GUPTA (Delhi Sadar): We are not discussing preventive detention now.

SHRI G. M. BANATWALLA: I have never abused the time of the House.

MR. SPEAKER: I agree with you.

SHRI G. M. BANATWALLA: It is rather unfortunate that both the Centre and the States also have the power to enact legislation for preventive detention. Of course, I am in total opposition to the concept of preventive detention. I have already said that it should go lock, stock and barrel. I have already moved an amendment for that particular purpose to the relevant clause. But, in view of the fact that the hon. Minister sticks to his concept of preventive detention, an alternative is being suggested by my present amendment, No. 180, where I suggest that the power to enact any legislation for preventive detention should not rest with the States and, therefore, it should not be the Concurrent List. It should be solely and completely in the Central List. This, however, does not imply that I am making any compromise with this principle of preventive detention, to which my opposition is total. But, if that position is not acceptable to the Treasury Benches, then I have made an alternative suggestion in my amendment No. 180, the purport of which is to see that the power and authority to legislate for preventive detention rests only with the Centre and not with the States. The matter has been so long debated, that I need not take the time of the House repeating them. I hope that this appeal will be heard by the Treasury Benches.

SHRI G. NARSIMHA REDDY: Sir, I have moved two amendments to keep education and forests in the Concurrent List. I would not like to take much time, because the other colleagues have already spoken about it. I would restrict myself to forests, because I come from a district which has a lot of forests. Therefore, I would like to explain the position from my practical experience.

As the hon. Member, Shri Deo, has mentioned, according to the forest policy of the Government of India, 33 per cent of the land is supposed to be covered by forests. But today it is only 22 per cent. I would further like to inform Shri P. K. Deo and other friends that out of the entire land only 22 per cent are reserved for forests. I hope the hon. Minister of Agriculture and Forests will agree with me when I say that the existing forests would not be even 20 per cent, because the trees of the forests are being fell indiscriminately. Most of the State Governments give one reason for this indiscriminate felling of trees by the people, with which I do not agree at all.

I have my own objections to it. It is because in the tribal areas and in other areas wherever the Government says that the felling of forests by the people is there, it is only a tribal person here and there who may be doing it. But the State Governments have forgotten and the Government of India has not cared to learn that today there is a competition in the States for felling the forests. I would say that the competition is between one Conservator of Forests and another Conservator of Forests because the State Governments have given targets to the Forest Officers that they must get this much of revenue. When the State Government wants revenue, there is a competition between one Conservator of Forests and another Conservator of Forests in felling the maximum forests in the State. Once we are moving with that great speed in the matter of felling the forests and there is a competition between one Conservator of Forests and another Conservator of Forests and if we completely give the subject of "Forests" to the State Governments,

I am very sure that within 10 to 15 years, you will not find any forest and, thereby, all your agricultural works, major and minor irrigation works, and all that will cease to function. Therefore, we are now for a very dangerous situation which is going to come in our country.

I would request the hon. Minister of Agriculture to inform him or to tell him the actual facts because we know that our Law Minister is an expert on Constitution, as I have already said, in the four walls of the Supreme Court. He is not aware of this problem. So, I would request all the Ministers who have the knowledge of forests in their own areas to impress upon him that this is not meant for just to remove certain clauses because they were in the Forty-Second Amendment Act. That should not be the approach. Therefore, I would say it is not a pill for the hon. Minister to throw away but it is a beautiful paper wrapper, as per the Law Minister, which should be retained.

*SHRI V. ARUNACHALAM ALIAS 'ALADI ARUNA' (Tirunelveli): Hon. Mr. Speaker, Sir, I rise to say a few words of commendation on the Constitution Amendment Bill which has been introduced by our hon. Minister of Law.

The hon. Minister of Law has fulfilled the aspirations of the people of our country by restoring Education to its rightful place in the State List. I am duty bound to convey to him the heart-felt gratitude of 5 crores of Tamil People whose cherished dream has become a reality by this laudable effort of our hon. Minister of Law.

This insidious effort to take Education away from the State List and incorporate it in the Concurrent List is not a thing of today or yesterday. It has been a ceaseless endeavour initiated by interested people even before 1935. The people who are imbued with the idea of inserting Education in the Concurrent List, which would enable the Centre to have its sway over education too, forget that India is a mosaic of manifold traditions, varying cultures and different languages. It is not an exaggeration to say that the people talking a particular language have even their own civilisation. The States inhabited by people speaking different languages are in fact bigger than sovereign nations in Europe, independent countries in West Asia and South-east Asia. That is why India is known as a subcontinent.

In the Government of India Act, 1935, Education was put in the State's sphere of activities. After independence, the framers of the constitution of free India tried to put Education in the Concurrent List, which in other words meant Centre's interference in educational matters. But the untiring efforts of eminent educationists, honoured representatives of the people and the people endowed with courage of conviction thwarted the sly attempt of those entrusted with the duty of framing the Constitution.

When Shri Chagla was the Education Minister, he started again this sinister game. But from Kanyakumari to Kashmir the people rose as one man in protest against the ethnocentrism. Then there were Congress Governments in the States. Excepting a few week-kneed States, the other States administered by the Congress Party opposed the move of the Congress Government at the Centre. This proposal was dropped like a hot cake. Shrimati Indira Gandhi, armed with Emergency powers, took away Education from the State List to the Concurrent List. The Emergency came to the rescue of the Centre in bringing Education to the Centre's sphere.

*The original speech was delivered in Tamil.

[Shri V. Arunachalam]

Here, I would like to remind the House of the ruse played by Shrimati Indira Gandhi. In a public meeting in Trivandrum she advanced the specious plea that she wanted Education to be in the Concurrent List in order to get her hands strengthened for making teaching of English compulsory in the recalcitrant northern States. She said that she was goaded by the sole motive that English teaching should be improved throughout the country. If my memory serves me right, I would like to inform the House of her audacious argument in one of her public meetings in Lucknow. She perorated that Education should be in the Concurrent List and then only the Central Government would be able to make teaching of Hindi compulsory and universal in Southern States, more particularly in Tamil Nadu which was anti-Hindi to its core. This Jekyll and Hyde game of Shrimati Indira Gandhi exposed the political chicanery of the Congress Party. The All India Anna Dravida Munnetra Kazhagam is committed to safeguard the interests of the people of Tamil Nadu from such political deception. The Leader spoke in two voices and the led here are orchestrating what is desired by their political mentor. The people are not going to be taken in by this kind of political guile.

Today the Janata Government has undone the mischief perpetrated on the gullible people of India. Education comes back to the State List. I would like to remind this House that the Governments of the States spend 25 per cent of their revenues on Education. Tamil Nadu spends about 200 crores of rupees every year on Education. Kerala spends 30 per cent of its revenues on Education. Most of the States allot a minimum of 20 per cent of their Budgets for Education. The States make such enormous outlays on Education but the Centre wants to have a share in the outcome. If the Centre wants to exercise its right in Education, then it will be construed as unwarranted intereference in the right of the States. The argument of the Centre that it should have a say in Education does not hold ground on any argument.

In the recent Education Ministers Conference held in Calcutta, the Education Ministers belonging to different political parties—Education Ministers of Kerala, Andhra Pradesh and Karnataka who belong to the Congress Party and the Congress Party (I)—unanimously demanded that Education should be in the State List. The Ministers in the States belonging to a political party speak in one voice, but the Members of Parliament belonging to the same political party speak here in a contrary tone. There they want Education to be in the State List and here these people demand the inclusion of Education in the Concurrent List—an excellent example of political dichotomy.

I would like to remind the House that my Congress friends from Southern States align themselves with anti-Hindi protagonists and address themselves as the staunch advocates of English language. I would like to take this opportunity to mention here that the imposition of Hindi language on non-Hindi speaking people, the imposition of one culture on others, the imposition of traditions on others, will not end in political hegemony but in national disintegration. Such a political conspiracy will not be conducive for national unity and integrity. The pusillanimous attitude of a few political leaders from the South made it possible for incorporating certain clauses in the Constitution of India, like the clause on Hindi. I hope that my Congress friends from South will not repeat such grievous errors again.

With these words, I extend my wholehearted support to this Clause which restores Education to its rightful place in the State List.

MR. SPEAKER: Now I have got a large number of members who have given notices of amendments. But because their amendments were not moved, they were not called. There is no time at all. I appeal to you. We have taken a lot of time. There is absolutely no time. I appeal to you to permit me to go to clause 48.

श्री उग्रसेन : अध्यक्ष महोदय, मैं किसी संशोधन पर नहीं बोला हूं। मैंने एक संशोधन दिया है। सभापति महोदय ने कुछ समय पहले कहा था कि वह मुझे समय देंगी।

MR. SPEAKER: Mr. Ugrasen, if I allow you, I will have to allow others. Kindly co-operate.

SHRI SHANTI BHUSHAN: All that I would like to say on this clause is that it has only been a question as to whether a certain subject should remain in the State List or should be in the Concurrent List. I do not think....

श्री उग्रसेन : अध्यक्ष महोदय, मेरी यह बात नोट कर ली जाये कि शिक्षा को समवर्ती सूची में रखना चाहिए।

SHRI SHANTI BHUSHAN: After all even when a subject is in the Concurrent List, the State Government has the executive power in regard to that subject. There is not much of difference between a subject remaining in the State List or in the Concurrent List that there should be so much excitement about it. It is merely a matter of arrangement. Therefore, for a long time a certain policy was there in regard to education and forests. This was disturbed by the 42nd Amendment. Therefore, this is the proposal that has been made. All that I wish to say is that this is not a matter on which there need be so much excitement.

Clause 48 *(Amendment of the Ninth Schedule)*

SHRI DINEN BHATTACHARYA: I beg to move:

Page 15, line 1,—

for "92 and 130" *substiute*—

"92, 130 and 133". (28)

SHRI RAM JETHMALANI (Bombay North-West): I beg to move:

Page 15,—

for clause 48, *substitute*—

"48. The Ninth Schedule to the Constitution shall be omitted." (286)

SHRI DINEN BHATTACHARYA: My amendment is very simple. The government amendment is that in the Ninth Schedule they are inserting 92 and 130 and my amendment is that it be substituted by "92, 130 and 133".

In the last Lok Sabha during the emergency this law for departmentalisation of Union Accounts was passed by the then government taking advantage of the emergency situation. The Comptroller and Auditor-General was directly appointed by the President and he was responsible to the President himself, but after the passing of that departmentalisation law, they were authorised to have their audit in their own departments. So I would request the Law Minister to kindly have a look into the matter so that the whole position in which this 133 was existing may be included in the Ninth Schedule. That is my simple amendment.

SHRI RAM JETHMALANI: I had moved my amendment because during the emergency we had heard the deliberations of the Chagla Committee which was appointed to go into the question of examining the constitutional amendments. I believe our Law Minister was a party to those

[Shri Ram Jethmalani]

deliberations and also to the conclusions of that committee.

That Committee had unanimously reported and recommended that 9th Schedule must go because it originally started as a beneficient piece of legislation. It was intended to save some statues from being attacked on the ground that it violated the right to property provision in the Constitution.

But, soon after the Ninth Schedule became an instrument of fraud and became a facade and a cloak for destruction of the valuable fundamental rights But, Sir, I am conscious of the fact that I cannot muster the requisite majority for my amendment. I am conscious of the fact that the Law Minister himself has gone back upon what he said—he was a party publicly.

MR. SPEAKER: Then he was not the Law Minister.

SHRI RAM JETHMALANI: Therefore, my amendment remains a method of recording my protest.

SHRI SHANTI BHUSHAN: Two points have been made. Mr. Bhattacharyya referred to 133 item in the 9th Schedule about the Union Account transfer of Personnel Act. If it had been deleted from the Ninth Schedule, in that case, maintenance of accounts on the basis of certain transfers would become difficult. Therefore, this entry has not been deleted.

So far as the total deletion of 9th Schedule is concerned, I would certainly say that there is in it Bihar Zamindari Act which was struct down by the Patna High Court on the ground that compensation at different rates was given. It was upheld by the Supreme Court. But if it is a total deletion from the Ninth Schedule, certain acts which have been given effect to would be in jeopardy. As a result these would have been brought back. The Zamindaris may come back. That is the position.

Clause 49 [*Amendment of the Constitution (Forty-second Amendment) Act, 1976*]

SHRI HARI VISHNU KAMATH: Sir, I rise on a point of order. Kindly see the wording of Clause 49: "In the Constitution Forty-second Amendment Act, 1976, Sections 18, 19, 21 and 22 etc., etc. shall be omitted." There is an anomaly here, a variation from the language and the wording of the previous clauses. The previous Clause referred to the Constitution. You will see the Short Title and Long Title of the Bill—this is a Constitution Forty-fifth Amendment Bill. But this is not an amendment to the Forty-second Constitution Amendment Act. It is not to amend the Forty-second Amendment Act, because these amendments made by the Forty-second Amendment Act have been incorporated in the Constitution.

MR. SPEAKER: It has been a part of the Act.

SHRI HARI VISHNU KAMATH: Therefore, the last clause should also have been in regard to the Constitution. Why should it not refer explicitly to articles in the Constitution which have been amended by the Forty-second Amendment Act? I hope you will agree with me.

MR. SPEAKER: I do not say that. I only appreciate it.

SHRI HARI VISHNU KAMATH: Appreciation is one step towards the agreement!

MR. SPEAKER: He must have understood it.

SHRI HARI VISHNU KAMATH: What is your ruling?

MR. SPEAKER: Now, that you say it has become a part of the Constitution. A reference should be to the Forty-second amendment.

SHRI HARI VISHNU KAMATH: This is a Constitution Amendment Bill not a Forty-second Amendment Act (Amendment) Bill.

SHRI SHANTI BHUSHAN: If you make it an act it would mean containing all the provisions for which the power is given to Government to enforce different provisions at different times. But, these are the clauses which were never brought there. So they never became a part of the Constitution.

SHRI HARI VISHNU KAMATH: I will read out different articles of the Constitution now which are amended as a consequence of the Forty-second Amendment Act. Except the second relating to the quorum of the House all the other amendments have been incorporated in these various articles. I will read one or two for the enlightenment of the Law Minister.

SHRI SHANTI BHUSHAN: If I may intervene and bring it to the notice of the hon. Member, Constitution Forty-second Amendment Act has clause 2, Section 1. It says:

> "It shall come into force on such and such date as the Central Government may, by notification, in the Official Gazette and different areas with different provisions of the Act."

Clause 49 is meant for this. There the date for the commencement has not been prescribed so far. Therefore it has not been brought into force. There are some amendments. The result is that the amendments have not been incorporated.

SHRI HARI VISHNU KAMATH: Not all of them.

SHRIMATI PARVATHI KRISHNAN: Sir, I rise on a point of order. It is already 4 p.m. and item No. 2 of the Order Paper reads as under:

> "Shri Ravindra Varma to make a statement on the bonus question."

I think we may first hear the Minister.

MR. SPEAKER: No. No. Let us not disturb the trend. It will be made today.

Shri Shyamnanda Mishra—absent. Dr. Ramji Singh—absent.

SHRIMATI PARVATHI KRISHNAN: I beg to move:

> Page 15, line 4,—
>
> (i) *omit* 21.
>
> (ii) *omit* 34. (234)

Clause IA (New)

SHRI SHANKAR DEV: I beg to move:

> Page 1,—
>
> *after* line 7, *insert*—
>
> '1A. In the Preamble to this Constitution, for the words "SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC" the words "SARVODAYA INTERDEPENDENT SOCIALIST SECULAR DEMOCRATIC REPUBLIC", shall be substituted.' (371)

मैंने अपने संशोधन में यही निवेदन किया है कि "सोवरन" की जगह "इण्टर-डिपेण्डेण्ट" होना चाहिए और "सोशलिस्ट डेमोक्रेटिक रिपब्लिक" की जगह "सर्वोदय डेमोक्रेन्टिक रिपब्लिक" होना चाहिए ।

16.00 hrs.

आज के जमाने में अगर कोई राष्ट्र अपने आप को "सोवरन" कहता है तो उस के मायने होते हैं—सर्वतन्त्र, स्वतन्त्र सार्वभौम सत्ता यानी चक्रवर्ती साम्राज्य । मैं समझता हूं वे गलत फहमी में रहते हैं। आज अमरीका और रूस जैसे बड़े-बड़े राष्ट्र विश्व-शान्ति के लिए तरसते हैं । वे भी आज समझते हैं—जब तक विश्व-शान्ति नहीं होगी, उन को सुख नहीं मिल सकता है । आज जब कि दुनिया में सायंस काफ़ी आगे बढ़

[Shri Sankar Dev]

चुकी है, सारी दुनिया के राष्ट्र संयुक्त राष्ट्र संघ में इकट्ठे होते हैं—ऐसे मौके पर अपने आप को "सोवरन" कहना, गलत फहमी में रखना है। इसीलिए मैंने अपने संशोधन में कहा है कि "सोवरन" की जगह "इण्टर-डिपेण्डेण्ट" होना चाहिए, क्योंकि हम सब एक दूसरे पर डिपेण्डेण्ट हैं, एक दूसरे पर आश्रित हैं। इस को म्यूचुअल डिपेण्डेन्ट इण्टर-डिपेण्डण्ट कहना चाहिए। आज के जमाने में हम सब एक दूसरे पर आश्रित हैं। "सोवरन" शब्द राष्ट्रीय स्वाभिमान को नहीं बढ़ाता है, बल्कि अहंकार को बढ़ाता है।

सोवरन शब्द के बारे में डिक्शनरी क्या कहती है —

"Supreme power shall be used for monarchy"

इसी तरह से "एनसाइक्लोपीडिया अमरीकाना" क्या कहता है —

"Unlimited authority in a State"

इसी तरह से "एनसाइक्लोपीडिया ब्रिटेनिका" क्या कहता है —

"The supreme power of a State over a citizen unrestrained by a law"

यानी जहां पर कोई कानून वगैरह नहीं चलता है, उस तरह की हुकूमत को कहते हैं। पिछले जमाने में जिस तरह से राजा लोगों की हुकूमत होती थी, जब सायंस नहीं थी, सारे राष्ट्र अलग-अलग रहते थे, आज की तरह से दुनिया के साथ उन का कोई ताल्लुक नहीं होता था, वे अपनी मनमानी चलाते थे, अपने आप को सोवरन बोलते थे। आज के जमाने में यह शब्द गलत फहमी पैदा करता है, इस लिए इस को खत्म करना चाहिए और खत्म कर के जो "वसुधैव कुटुम्बकम" की भावना है उस को आगे लाना चाहिए। आज दुनिया में जो अशान्ति और अव्यवस्था चल रही है, अपने ऋषि-मुनियों की इस वाणी के द्वारा विश्व-शान्ति को आगे लाकर स्थापित करना है और भारतीय संस्कृति के आधार पर विश्व के अन्दर शान्ति की स्थापना करना है, तो हम को दुनिया के लिए नेतृत्व प्रदान करना पड़ेगा, लीड प्रदान करनी पड़ेगी और उस के लिए यह जो आउटडेटेड शब्द 'सोवरन' है, जिसके माइने है सर्वतंत्र, स्वतन्त्र सार्वभौम, चक्रवर्ती, साम्राज्यवाद" उस साम्राज्यवाद को बढ़ाने वाले शब्द को खत्म करना पड़ेगा। इस के बारे में ला मिनिस्टर साहब को बहुत गहराई से सोचना चाहिए और मैंने जो एमेंडमेंट दिया है, उस को मानना चाहिए। जो भारतीय संस्कृति का आधार है और जिस के ऊपर जनता पार्टी खड़ी है और जिस जनता पार्टी में जनसंघ भारतीय संस्कृति का सम्मान करता है, मैं उन से प्रार्थना करूंगा कि अगर भारतीय संस्कृति का विश्व को संदेश देना है, तो 'सोवरन' शब्द को हटा कर 'सर्वोदय परस्पराश्रित', 'सर्वोदय इण्टर-डिपेंडेंट' शब्दों को रखें और आप को यह सर्वोदय परस्पराश्रित रिपब्लिक बनाना पड़ेगा।

MR. SPEAKER: You have made your point.

श्री शंकर देव: एक छोटी सी बात और कह कर मैं समाप्त कर दूंगा। मैं यह पूछना चाहता हूं कि आप ने जो यह यह सोवरन डेमोक्रेटिक रिपब्लिक रखा है, तो 'सोवरन' और 'डेमोक्रेटिक', इन दोनों का क्या सम्बन्ध है? डमोक्रेसी तो यह बताती है कि इक्वालिटी हो और 'सोवरन' यह बताता है कि सार्वभौम प्रभुत्व-सम्पन्न हो। ये एक दूसरे के काण्ट्राडिक्टरी हैं और एक दूसरे का आपस में कोई मेल नहीं है। इसलिए मेरा जो यह संशोधन है कि "सम्पूर्ण प्रभुत्व-सम्पन्न लोकतांत्रिक धर्म-निरपेक्ष समाजवादी गणराज्य" के स्थान पर

"सर्वोदय परस्पराश्रित समाजवादी धर्म-निरपेक्ष लोकतंत्रात्मक गणराज्य" शब्द हों, इस को आप को मान लेना चाहिए। इससे गांधी जी का जो संदेश था, उस की पूर्ति भी होती है।

Clause 1 (*Short title and commencement*)

SHRI SHANTI BHUSHAN: I move my amendment No. 204 to Clause 1.

Sir, I beg to move:

Page 1, line 3,—

for "Forty-fifth" *substitute* "Forty-fourth" (204)

MR. SPEAKER: Mr. Suman is not here. So the other amendment is not moved.

If the Law Minister wants, he can speak on that.

SHRI SHANTI BHUSHAN: This amendment to Clause 1 is a formal one. It is only to substitute the word: 'Forty-fourth' in place of 'Forty-fifth'. It is a formal amendment.

MR. SPEAKER: That is all right. We will now go for voting.

Clause 2

MR. SPEAKER: I am now taking up Clause 2. There are a large number of amendments.

I shall now put amendments No. 1, 12, 33, 34, 52, 53, 96 and 104 to Clause 2 to the vote of the House.

Amendments Nos. 1, 12, 33, 34, 52, 53, 96 *and* 104 *were put and negatived.*

SHRI A. K. ROY (Dhanbad): Sir, on a point of order.

MR. SPEAKER: There is a rule that while voting is going on, no point of order is to be raised.

SHRI A. K. ROY: My point of order relates to the procedure that you are following. You have taken advantage of a particular provision kept in our rules that all discussion on all the clauses can be made together and after that, the voting would be there. What has happened is this; the discussion took place and not all the hon. Members are having as sharp memory as you have; they are fond of tea and coffee, all have gone out. My point of order is that we are passing a very important Constitution Amendment Bill, the hon. Members do not know what is the issue. They are mechanically saying yes or no... (*Interruptions*) At least, what is the amendment, Members should be told about that. I know, many of the hon. Members would like to vote for amendments seeking right to work and one man one job, but unless they are told about the amendments, they would not know.

I now put amendments Nos. 113 and 114 proposed by Shri Dajiba Desai, to the vote of the House.

SHRI A. K. ROY: It is not according to the spirit of the rules.

MR. SPEAKER: I have never believed in spirits.

MR. SPEAKER: I now put amendments Nos. 113 and 114 proposed by Shri Dajiba Desai, to the vote of the House.

Amendments Nos. 113 *and* 114 *were put and negatived.*

MR. SPEAKER: Now amendment No. 127. Mr. Tridib Chaudhuri, are you pressing it?

*

SHRI TRIDIB CHAUDHURI: I am not pressing it.

Amendment No. 127 *was, by leave, withdrawn.*

MR. SPEAKER: I now put amendments Nos. 139, 161 and 186 to the vote of the House.

Amendments Nos. 139, 161 and 186 were put and negatived.

MR. SPEAKER: Now I put amendments Nos. 248 and 249 tothe vote of the House.

Amendments Nos. 248 and 249 were put and negatived.

Clause 3

MR. SPEAKER: I now put amendment No. 13 to clause 3, to the vote of the House.

SOME HON. MEMBERS: 'Aye'.

SEVERAL HON. MEMBERS: 'No.'

SOME HON. MEMBERS: "Ayes" have it.

MR. SPEAKER: Let the lobbies be cleared.

The lobbies have been cleared. Before I call division, may I make one request? The members may please take their allotted seats. Otherwise, there will be difficulty in voting. The voting on the clause has to be by division. I may remind hon. members that when the division is announced, a going will sound, which will signal the members to cast their vote. Each member has to press the pusher and operate one of the three push buttons, according to his choice. The pusher and the push button may be kept pressed simultaneously until the gong sounds a second time. Before I put the amendment, it is better I read out the main clause as well as the amendment.

The main clause is clause 3 which reads thus:

"In article 22 of the Constitution,

(a) for clause (4), the following clause shall be substituted, namely:—

'(4) No law providing for preventive detention shall authorise the detention of a person for a longer period than two months unless an Advisory Board constituted in accordance with the recommendations of the Chief Justice of the appropriate High Court has reported before the expiration of the said period of two months that there is in its opinion sufficient cause for such detention:

Provided that an Advisory Board shall consist of a Chairman and not less than two other members, and the Chairman shall be a serving Judge of the appropriate High Court and the other members shall be serving or retired Judges of any High Court:

Provided further that nothing in this clause shall authorise the detention of any person beyond the maximum period prescribed by any law made by Parliament under sub-clause (a) of clause (7)' "

There is an Explanation and all that which you know. I shall not go into it. Now, I shall put the amendment.

The question is:

Pages 1 and 2,

for lines 17 to 20 and 1 to 35 respectively, *substitute*—

"(a) in clause (3), sub-clause (b) shall be omitted;

(b) clauses (4), (5), (6) and (7) shall be omitted." (13)

The Lok Sabha divided:

Division No. 6] **[16.25 hrs.**

AYES

Banatwalla, Shri G. M
Barman, Shri Palas
Barrow, Shri A. E. T.
Basu, Shri Chitta
Bhattacharya, Shri Dinen
Bhattacharyya, Shri Shyamaprasanna
Bosu, Shri Jyotirmoy
Burande, Shri Gangadhar Appa
Chandrappan, Shri C. K.
Chatterjee. Shri Somnath
Chaudhuri, Shri Tridib
Das, Shri R. P.
Deo, Shri P. K.
Desai, Shri Dajiba
Deshmukh, Shri Sheshrao
Goswami, Shrimati Bibha Ghosh
Halder, Shri Krishna Chandra
Hande, Shri V. G.
Inder Singh, Shri
Kamble, Shri B. C.
Kasar, Shri Amrut
Kisku, Shri Jadunath
Kodiyan, Shri P. K.
Krishnan, Shrimati Parvathi
Lahanu Shidava Kom, Shri
Mahata. Shri C. R.
Mandal, Shri Mukunda
Mavalankar, Prof. P. G.
*Miri, Shri Govind Ram
Modak, Shri Bijoy
Mukherjee, Shri Samar
Murugaiyan, Shri S. G.
Nair, Shri M. N. Govindan
Patil, Shri D. B.
Patnaik, Shri Sivaji
Pradhan, Shri Amar Roy
Rajan, Shri K. A.
Rangnekar, Shrimati Ahilya P.
Roy, Shri A. K.
Roy, Dr. Saradish
Saha. Shri A. K.
Saha, Shri Gadadhar
Sanyal, Shri Sasankaseknar
Sen, Shri Robin
Shaiza, Shrimati Rano M.
*Shukla, Shri Madan Lal
Singha. Shri Sachindralal
Tirkey, Shri Pius

NOES

Abdul Lateef, Shri
Agrawal, Shri Satish
Ahsan Jafri, Shri
Ahuja, Shri Subhash
Alagesan, Shri O. V.
Alhaj, Shri M. A. Hannan
Amat, Shri D.
Amin, Prof. R. K.
Anbalagan, Shri P.
Ankineedu. Shri Maganti
Ankineedu Prasada Rao, Shri
Ansari, Shri Faquir Ali
Arif Beg, Shri
Arunachalam, Shri M.
Arunachalam alias 'Aladi Aruna', Shri V.
Asokaraj, Shri A.
Austin, Dr. Henry
Avari, Shri Gev. M.
Badri Narayan, Shri A. K.
Bagri, Shri Mani Ram
Bahuguna, Shrimati Kamala
Bairagi, Shri Jena
Bal, Shri Pradvumna
Balak Ram, Shri
Balbir Singh, Chowdhry
Baldev Prakash, Dr.
Barnala, Shri Surjit Singh

*Wrongly voted for AYES.

Barua, Shri Bedabrata
Basappa, Shri Kondajji
Basu, Shri Dhirendranath
Bateshwar Hemram, Shri
Berwa, Shri Ram Kanwai
Bhadoria, Shri Arjun Singh
Bhakta, Shri Manoranjan
Bhanwar, Shri Bhagirath
Bharat Bhushan, Shri
Bheeshma Dev, Shri M.
Birendra Prasad, Shri
Bonde, Shri Nanasahib
Borole, Shri Yashwant
Borooah, Shri D. K.
Brahm Perkash, Chaudhury
Brij Raj Singh, Shri
Burman, Shri Kirit Bikram Deb

Chakravarty, Prof Dilip
Chand Ram, Shri
Chandan Singh, Shri
Chandra Shekhar, Shri
Chandra Shekhar Singh, Shri
Chandra Pal Singh, Shri
Chaturbhuj, Shri
Chaturvedi, Shri Shambhu Nath
Chaudhary, Shri Motibhai R.
Chaudhry, Shri Ishwar
Chaudhury, Shri Rudra Sen
Chauhan, Shri Nawab Singh
Chavan, Shri Yeshwantrao
Chavda, Shri K. S.
Chettri, Shri K. B.
Chhetri, Shri Chhatra Bahadur
Chikkalingiah, Shri K.
Choudhari, Shri K. B.
Chowhan, Shri Bharat Singh
Chunder, Dr. Pratap Chandra

Dabhi, Shri Ajitsinh
Damor, Shri Somjibhai
Dandavate, Prof. Madhu
Danwe, Shri Pundalik Hari
Das, Shri S. S.
Dasgupta, Shri K. N.
Dave, Shri Anant
Dawn, Shri Raj Krishna
Deo, Shri V. Kishore Chandra S.
Desai, Shri D. D.
Desai, Shri Hitendra
Desai, Shri Morarji
Deshmukh, Shri Nanaji
Deshmukh, Shri Ram Prasad
Devarajan, Shri B.
Dhandayuthapani, Shri V.
Dhara, Shri Sushil Kumar
Dhillon, Shri Iqbal Singh
Digvijoy Narain Singh, Shri
Doley, Shri L. K.
Durga Chand, Shri
Dutt, Shri Asoke Krishna

Elanchezhian, Shri V. S.
Engti, Shri Biren

Faleiro, Shri Eduardo
Fazlur Rahman, Shri
Fernandes, Shri George

Gamit, Shri Chhitubhai
Ganga Bhakt Singh, Shri
Ganga Singh, Shri
Gattani, Shri R. D.
Gawai, Shri D. G.
Ghosal Shri Sudhir
Godara, Ch. Hari Ram Makkasar
Gode, Shri Santoshrao
Gomango, Shri Giridhar
Gopal, Shri K.
Gore, Shrimati Mrinal
Gotkhinde, Shri Annasaheb
Goyal, Shri Krishna Kumar
Guha, Prof. Samar
Gulshan, Shri Dhanna Singh
Gupta, Shri Kanwar Lal

Haren Bhumij, Shri
Harikesh Bahadur, Shri
Hazari, Shri Ram Sewak

Heera Bhai, Shri
Hukam Ram, Shri

Jagjivan Ram, Shri
Jain, Shri Kacharulal Hemraj
Jain, Shri Kalyan
Jain, Shri Nirmal Chandra
Jaiswal, Shri Anant Ram
Jasrotia, Shri Baldev Singh
Jeyalakshmi, Shrimati V.
Joshi, Dr. Murli Manohar

Kachwai, Shri Hukam Chand
Kadam, Shri B. P.
Kadannappalli, Shri Ramachandran
Kaiho, Shri
Kailash Prakash, Shri
Kakade, Shri Sambhajirao
Kaldate, Dr. Bapu
Kamakshaiah, Shri D.
Kamath, Shri Hari Vishnu
Kannan, Shri P.
Kapoor, Shri L. L.
Kar, Shri Sarat
Kaushik, Shri Purushottam
Khalsa, Shri Basant Singh
Khan, Shri Ghulam Mohammad
Khan, Shri Ismail Hossain
Khan, Shri Kunwar Mahmud Ali
Khan, Shri Mohd. Shamsul Hasan
Kidwai, Shrimati Mohsina
Kishore Lal, Shri
Kolanthaivelu, Shri R.
Kolur, Shri Rajshekhar
Krishan Kant, Shri
Kundu, Shri Samarendra
Kunhambu, Shri K.
Kureel, Shri Jwala Prasad
Kushwaha, Shri Ram Naresh

Lakkappa, Shri K.
Lakshminarayanan, Shri M. R.
Lalu Prasad, Shri
Laskar, Shri Nihar

Machhand, Shri Raghubir Singh
Mahala, Shri K. L.
Mahale, Shri Hari Shankar
Mahi Lal, Shri
Mahishi, Dr. Sarojini
Maiti, Shrimati Abha
Malhotra, Shri Vijay Kumar
Mallick, Shri Rama Chandra
Mandal, Shri Dhanik Lal
Mane, Shri Rajaram Shankarrao
Mangal Deo, Shri
Mankar, Shri Laxman Rao
Manohar Lal, Shri
Mathur, Shri Jagdish Prasad
Mayathevar, Shri K.
Meerza, Shri Syed Kazim Ali
Mehta, Shri Prasannbhai
Mhalgi, Shri R. K.
Mirdha, Shri Nathu Ram
Mishra, Shri G. S.
Mishra, Shri Janeshwar
Mishra, Shri Shyamnandan
Mohanarangam, Shri Ragavalu
Mohd. Hayat Ali, Shri
Mondal, Dr. Bijoy
Mritunjay Prasad, Shri
Multan Singh, Chaudhary
Munda, Shri Govinda
Munda, Shri Karia
Murthy, Shri M. V. Chandrashekhara
Murugesan, Shri A.

Nahar, Shri Bijoy Singh
Nahata, Shri Amrit
Naidu, Shri P. Rajagopal
Naik, Shri S. H.
Naik, Shri V. P.
Nair, Shri B. K.
Narayana, Shri K. S.
Narendra Singh, Shri
Nayak, Shri Laxmi Narain
Nayar, Dr. Sushila
Negi, Shri T. S.

Onkar Singh, Shri
Oraon, Shri Lalu
Pandey, Shri Ambika Prasad
Pandeya, Dr. Lavminarayan
Pandit, Dr. Vasant Kumar
Parmai Lal, Shri
Parmar, Shri Natwarlal B.
Parthasarathy, Shri P.
Parulekar, Shri Bapusaheb
Paswani, Shri Ram Vilas
Patel, Shri Dharmasinhbhai
Patel, Shri Dwarikadas
Patel, Shri H. M.
Patel, Km. Maniben Vallabhbhai
Patel, Shri Meetha Lal
Patidar, Shri Rameshwar
Patil, Shri Chandrakant
Patil, Shri S. B.
Patil, Shri S. D.
Patil, Shri Vijaykumar N.
Patnaik, Shri Biju
Patwary, Shri H. L.
Pertin, Shri Bakin
Phirangi Prasad, Shri
Pipil, Shri Mohan Lal
Poojary, Shri Janardhana
Pradhan, Shri Pabitra Mohan
Pradhani, Shri K.
Pullaiah, Shri Darur
Qureshi, Shri Mohd. Shafi
Rachaiah, Shri B.
Raghavendra Singh, Shri
Raghavij, Shri
Raghu Ramaiah, Shri K.
Rahi, Shri Ram Lal
Rai, Shri Gauri Shankar
Rai, Shri Narmada Prasad
Rai Shri Shiv Ram
Raj Keshar Singh, Shri
Raj Narain, Shri
Rajda, Shri Ratansinh
Raju, Shri P. V. G.
Rakesh, Shri R. N.
Ram, Shri R. D.
Ram Charan, Shri
Ram Dhan, Shri
Ram Gopal Singh, Chaudhury
Ram Kinkar, Shri
Ram Kishan, Shri
Ram Murti, Shri
Ram Sagar, Shri
Ramachandran, Shri P.
Ramalingam, Shri N. Kudanthai
Ramalingam, Shri P. S.
Ramamurthy, Shri K.
Ramapati Singh, Shri
Ramaswamy, Shri S.
Ramji Singh, Dr.
Ramjiwan Singh, Shri
Ramoowalia, Shri Balwant Singh
Ranjit Singh, Shri
Rao, Shrimati B. Radhabai Ananda
Rao, Shri J. Rameshwar
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri P. V. Narasimha
Rao, Shri Pattabhi Rama
Rasheed Masood, Shri
Rath, Shri Ramachandra
Rathor, Dr. Bhagwan Dass
Ravindra Pratap Singh, Shri
Reddi, Shri G. S.
Reddy, Shri G. Narsimha
Reddy, Shri K. Brahmananda
Reddy, Shri K. Vijaya Bhaskara
Reddy, Shri M. Ram Gopal
Reddy, Shri S. R.
Rodrigues, Shri Rudolph.
Rothuama, Dr. R.
Roy, Shri Saugata
Saeed Murtaza, Shri
Sahoo, Shri Ainthu
Sai, Shri Larang
Sai, Shri Narhari Prasad Sukhdeo

Samantasinhera, Shri Padmacharan
Saran, Shri Daulat Ram
Sarangi, Shri R. P.
Sarda, Shri S. K.
Sarkar, Shri S. K.
Sarsonia, Shri Shiv Narain
Satapathy, Shri Devendra
Sathe, Shri Vasant
Satya Deo Singh, Shri
Sayian Wala, Shri Mohinder Singh
Sen, Shri Prafulla Chandra
Seyid Muhammad, Dr. V A.
Shah, Shri D. P.
Shah, Shri Surath Bahadur
Shakya, Dr. Mahadeepak Singh
Shankar Dev, Shri
Shanti Devi, Shrimati
Sharmar Shri Jaganath
Sharma, Shri Rajendra Kumar
Sharma, Shri Yagya Datt
Shastri, Shri Bhanu Kumar
Shastri, Shri Ram Dhari
Shastri, Shri Y. P.
Shejwalkar, Shri N. K.
Sheo Narain, Shri
Sher Singh, Prof.
Sheth, Shri Vinodbhai B.
Shiv Sampati Ram, Shri
Shrikrishna Singh, Shri
Sikander Bakht, Shri
Singh, Dr. B. N.
Sinha, Shri C. M.
Sinha, Shri H. L. P.
Sinha, Shri Purnanarayan
Sinha, Shri Satyendra Narayan
Somani, Shri Roop Lal
Somani, Shri S. S.
Somasundaram, Shri S. D.
Stephen, Shri C. M.
Subramaniam, Shri C.
Sudherran, Shri V. M.
Sukhendra Singh, Shri
Suman, Shri Ramji Lal
Suman, Shri Surendra Jha
Sunna Sahib, Shri A.
Suraj Bhan, Shri
Surya Narain Singh, Shri
Swamy, Dr. Subramaniam
Swatantra, Shri Jagannath Prasad

Talwandi, Shri Jagdev Singh
Tan Singh, Shri
Tej Pratap Singh, Shri
Thakur, Shri Aghan Singh
Thakur, Shri Krishnarao
Thorat, Shri Bhausaheb
Tiwari, Shri Brij Bhushan
Tiwary, Shri D. N.
Tiwary, Shri Madan
Tohra, Shri G. S.
Tombi Singh, Shri N.
Tripathi, Shri Madhav Prasad
Tripathi, Shri Ram Prakash
Tulsiram, Shri V.
Tur, Shri Mohan Singh
Tyagi, Shri Om Prakash

Ugrasen, Shri
Unnikrishnan, Shri K. P.

Vajpayee, Shri Atal Bihari
Varma, Shri Ravindra
Venkataraman, Shri R.
Venkatareddy, Shri P.
Venkatasubbaiah, Shri P.
Verma, Shri Brijlal
Verma, Shri Hargovind
Verma, Shri R. L. P.
Verma, Shri Sukhdeo Prasad
Visvanathan, Shri C. N.

Yadav, Shri Hukmdeo Narain
Yadav, Shri Narsingh
Yadav, Shri Ramji Lal
Yadav, Shri Sharad
Yadav, Shri Vinayak Prasad
Yadava, Shri Roop Nath Singh
Yadvendra Dutt, Shri

MR. SPEAKER: Subject to correction, the result* of the division is: Ayes: 48; Noes: 361. The Noes have it, the noes have it.

The motion was negativated.

MR. SPEAKER: Amendment No. 35. Shri Parulekar.

SHRI BAPUSAHEB PARULEKAR (Ratnagiri): I am not pressing.

MR. SPEAKER: Has he the leave of the House to withdraw his amendment?

SEVERAL HON. MEMBERS: Yes.

Amendment No. 35 was, by leave, withdrawn

MR. SPEAKER: I now put amendment No. 54 to the House.

Amendment No. 54 was put and negatived.

MR. SPEAKER: Amendment Nos. 81 and 82, Shri Chaturvedi.

SHRI SHAMBU NATH CHATURVEDI (Agra): I am not pressing.

MR. SPEAKER: Has he the leave of the House to withdraw the Amendments?

SEVERAL HON. MEMBERS: Yes.

SHRI JYOTIRMOY BOSU (Diamond Harbour): No.

MR. SPEAKER: The amendments are withdrawn.

SHRI JYOTIRMOY BOSU: On a point of order. The rule provides that even if there is lone voice objecting to the withdrawal of the amendment, that has to be put to the House. I am the lone voice.

MR. SPEAKER: Then I put amendment No. 81 to the House.

Amendment No. 81 was put and negatived.

MR. SPEAKER: I now put amendment No. 82 to the House.

Amendment No. 82 was put and negatived.

MR. SPEAKER: I put amendment No. 89 to the House.

Amendment No. 89 was put and negatived.

MR. SPEAKER: I now put amendment No. 90 to the House.

Amendment No. 90 was put and negatived.

MR. SPEAKER: I now put amendment No. 105 to the House.

Amendment No. 105 was put and negatived.

MR. SPEAKER: I now put amendment No. 162 to the House.

Amendment No. 162 was put and negatived.

MR. SPEAKER: Amendment No. 170. Mr. Mhalgi.

SHRI R. K. MHALGI (Thana): I am not pressing.

MR. SPEAKER: Has he the leave of the House to withdraw his amendment?

SEVERAL HON. MEMBERS: Yes.

Amendment No. 170 was, by leave withdrawn.

MR. SPEAKER: I put amendment No. 208 to the House.

Amendment No. 208 was put and negatived.

MR SPEAKER: Amendment No. 231. Shri Vinayak Prasad Yadav.

SHRI VINAYAK PRASAD YADAV (Saharsa): I am not pressing.

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*The following Members also recorded their votes for NOES Sarvashri H. N. Bahuguna, M.P. Sinha, B. P. Mandal, P. V. Periasamy, S. Jaganathan, T. S. Shrangare, Madan Lal Shukla, Govindram Miri and Shrimati Renuka Devi Barakataki.

MR. SPEAKER: Has he the leave of the House to withdraw his amendment?

SEVERAL HON. MEMBERS: Yes.

Amendment No. 231 was, by leave, withdrawn.

MR. SPEAKER: Amendment No. 235. Shri Kanwarlal Gupta.

SHRI KANWAR LAL GUPTA (Delhi Sadar): I am not pressing.

MR. SPEAKER: Has he the leave of the House to withdraw his amendment?

SEVERAL HON. MEMBERS: Yes

Amendment No. 235 was, by leave, withdrawn.

MR. SPEAKER: Amendment No. 257. Shri Ram Jethmalani.

SHRI K. LAKKAPPA: Those Members are pressurising him.

MR. SPEAKER: Your Members also pressurised you.

SHRI VASANT SATHE: He got up and said "I press it". You ask him.

MR. SPEAKER: Are you withdrawing it?

SHRI RAM JETHMALANI: No.

MR. SPEAKER: I will now put amendment No. 257 moved by Shri Ram Jethmalani, to the vote of the House. Those in favour of it may say "Ayes".

SOME HON. MEMBERS: 'Aye'.

MR. SPEAKER: Those against it may say "No".

SEVERAL HON. MEMBERS: No.

MR. SPEAKER: I think "Noes" have it.

SOME HON. MEMBERS: "Ayes" have it.

MR. SPEAKER: All right, let the lobbies be cleared....

Now the lobbies have been cleared. We will have division.

The question is:

"Page 2,—

after line 35, *insert*—

"(c) after clause (7), the following clause shall be inserted, namely:—

(8) Notwithstanding anything contained in the Constitution, no law providing for preventive detention shall operate in respect of any citizen of India except during the period when a Proclamation of Emergency is in operation.' (257)

The Lok Sabha divided:

Division No. 7]

(16.35 hrs.

AYES

Banatwalla, Shri G. M.
Barman, Shri Palas
Barrow, Shri A. E. T.
Basu, Shri Chitta
Bhagat Ram, Shri
Bhattacharya, Shri Dinen
Bhattacharyya, Shri Shyamaprasanna
Bosu, Shri Jyotirmoy
Burande, Shri Gangadhar Appa

Chandrappan, Shri C. K.
Chatterjee, Shri Somnath
Chaudhuri, Shri Tridib

Das, Shri R. P.
Deo, Shri P. K.
Desai, Shri D. D.
Desai, Shri Dajiba
Deshmukh, Shri Sheshrao

Gawai, Shri D. G.
Goswami, Shrimati Bibha Ghosh

Halder, Shri Krishna Chandra
Hande, Shri V. G.

Jethmalani; Shri Ram
Kamble, Shri B. C.
Kasar, Shri Amrut
Khan, Shri Ismail Hosain
Kisku, Shri Jadunath
Kodiyan, Shri P. K.
Krishnan, Shrimati Parvathi
Lahanu Shidava Kom, Shri
Lyngdoh, Shri Hopingstone
Mahata, Shri C. R.
Mandal, Shri Mukunda
Mavalankar, Prof. P. G.
Modak, Shri Bijoy
Mukherjee, Shri Samar
Murugaiyan, Shri S. G.
Nair, Shri M. N. Govindan
Patil, Shri D. B.
Patnaik, Shri Sivaji
Pradhan, Shri Amar Roy
Rajan, Shri K. A.
Rangnekar, Shrimati Ahilya P.
Reddy, Shri G. Narsimha
Roy, Shri A. K.
Roy, Dr. Saradish
Saha, Shri A. K.
Saha, Shri Gadadhar
Sanyal, Shri Sasankasekhar
Sen, Shri Robin
Singha, Shri Sachindralal
Tirkey, Shri Pius

NOES

Abdul Lateef, Shri
Agrawal, Shri Satish
Ashan Jafri, Shri
Ahuja, Shri Subhash
Alagesan, Shri O. V.
Alhaj, Shri M. A. Hannan
Amat, Shri D.
Amin Prof. R. K.
Anbalagan, Shri P.
Ankineedu, Shri Maganti
Ankineedu Prasada Rao, Shri
Ansari, Shri Faquir Ali
Arif Beg, Shri
Arunachalam, Shri M.
Arunachalam alias 'Aladi Aruna', Shri V.
Asokaraj, Shri A.
Austin, Dr. Henry
Avari, Shri Gev M.
Badri Narayan, Shri A. R.
Bagri, Shri Mani Ram
Bahuguna, Shri H. N.
Bahuguna, Shrimati Kamala
Bairagi, Shri Jena
Bal, Shri Pradyumna
Balak Ram, Shri
Balbir Singh, Chowdhry
Baldev Prakash, Dr.
Barakataki, Shrimati Renuka Devi
Barnala, Shri Surjit Singh
Barua, Shri Bedabrata
Basappa, Shri Kondajji
Bateshwar Hemram, Shri
Berwa, Shri Ram Kanwar
Bhadoria, Shri Arjun Singh
Bhakta, Shri Manoranjan
Bhanwar, Shri Bhagirath
Bharat Bhushan, Shri
Bheeshma Dev, Shri M.
Birendra Prasad, Shri
Borole, Shri Yashwant
Borooah, Shri D. K.
Brahm Prakash, Chaudhury
Brij Raj Singh, Shri
Chand Ram, Shri
Chandan Singh, Shri
Chandra Shekhar, Shri
Chandra Shekhar Singh, Shri
Chandra Pal Singh, Shri
Chaturbhuj, Shri
Chaturvedi, Shri Shambhu Nath
Chaudhary, Shri Motibhai R.

Chaudhry, Shri Ishwar
Chaudhury, Shri Rudra Sen
Chauhan, Shri Nawab Singh
Chavan, Shri Yeshwantrao
Chavda, Shri K. S.
Chettri, Shri K. B.
Chhetri, Shri Chhatra Bahadur
Chikkalingaih, Shri K.
Choudhari, Shri K. B.
Chowhan, Shri Bharat Singh
Chunder, Dr. Pratap Chandra

Dabhi, Shri Ajitsinh
Damor, Shri Somjibhai
Dandavate, Prof. Madhu
Danwe, Shri Pundalik Hari
Das, Shri S. S.
Dasgupta, Shri K. N.
Dave, Shri Anant
Dawn, Shri Raj Krishna
Deo, Shri V. Kishore Chandra S.
Desai, Shri Hitendra
Desai, Shri Morarji
Deshmukh, Shri Nanaji
Deshmukh, Shri Ram Prasad
Devarajan, Shri B.
Dhandayuthapni, Shri V.
Dhara, Shri Sushil Kumar
Dhillon, Shri Iqbal Singh
Digvijoy Narain Singh, Shri
Doley, Shri L. K.
Durga Chand, Shri
Dutta, Shri Asoke Krishna

Elanchezhian, Shri V. S.
Engti, Shri Biren

Fazlur Rahman, Shri
Fernandes, Shri George

Gamit, Shri Chhitubhai
Ganga Bhakt Singh, Shri
Ganga Singh, Shri
Gattani, Shri R. D.
Ghosal, Shri Sudhir
Godara, Ch. Hari Ram Makkasar
Gode, Shri Santoshrao
Gogoi, Shri Tarun
Gotkhinde, Shri Annasaheb
Gopal, Shri K.
Gore, Shrimati Mrinal
Gotkhinde, Shri Annasaheb
Goyal, Shri Krishna Kumar
Guha, Prof. Samar
Gulshan, Shri Dhanna Singh
Gupta, Shri Kanwar Lal

Haren Bhumij, Shri
Harikesh Bahadur, Shri
Hazari, Shri Ram Sewak
Heera Bhai, Shri
Hukam Ram, Shri

Inder Singh, Shri

Jagannathan, Shri S.
Jagjivan Ram, Shri
Jain, Shri Kacharulal Hemraj
Jain, Shri Kalyan
Jain, Shri Nirmal Chandra
Jaiswal, Shri Anant Ram
Jasrotia, Shri Baldev Singh
Jeyalakshmi, Shrimati V.
Joshi, Dr. Murli Manohar

Kachawai, Shri Hukam Chand
Kadam, Shri B. P.
Kaiho, Shri
Kailash Prakash, Shri
Kawade, Shri Sambhajirao
Kaldate, Dr. Bapu
Kamakshaiah, Shri D.
Kamath, Shri Hari Vishnu
Kannan, Shri P.
Kapoor, Shri L. L.
Kar, Shri Sarat
Karan Singh, Dr.
Kaushik, Shri Purushottam
Khalsa, Shri Basant Singh
Khan, Shri Kunwar Mahmud Ali

Khan, Shri Mahmood Hasan
Kidwai, Shrimati Mohsina
Kishore Lal, Shri
Kolanthaivelu, Shri R.
Kosalram, Shri K. T.
Krishan Kant, Shri
Kundu, Shri Samarendra
Kunhambu, Shri K.
Kureel, Shri Jwala Prasad
Kushwaha, Shri Ram Naresh

Lakkappa, Shri K.
Lakshminarayanan, Shri M. R.
Lal, Shri S. S.
Lalu Prasad, Shri
Laskar, Shri Nihar

Machhand, Shri Raghubir Singh
Mahala, Shri K. L.
Mahale, Shri Hari Shankar
Mahi Lal, Shri
Mahishi, Dr. Sarojini
Maiti, Shrimati Abha
Malhotra, Shri Vijay Kumar
Mallick, Shri Rama Chandra
Mandal, Shri B. P.
Mandal, Shri Dhanik Lal
Mane, Shri Rajaram Shankarrao
Mangal Deo, Shri
Mankar, Shri Laxman Rao
Manohar Lal, Shri
Mathur, Shri Jagdish Prasad
Mayathevar, Shri K.
Meerza, Shri Syed Kazim Ali
Mehta, Shri Prasannbhai
Mhalgi, Shri R. K.
Mirdha, Shri Nathu Ram
Miri, Shri Govind Ram
Mishra, Shri G. S.
Mishra, Shri Janeshwar
Mishra, Shri Shyamnandan
Mohanarangam, Shri Ragavalu
Mohd. Hayat Ali, Shri
Mondal, Dr. Bijoy
Mritunjay Prasad, Shri
Multan Singh, Chaudhary
Munda, Shri Govinda
Munda, Shri Karia
Murthy, Shri M. V. Chandrashekhara
Murugesan, Shri A.
Nahar, Shri Bijoy Singh
Nahata, Shri Amrit
Naidu, Shri P. Rajagopal
Naik, Shri S. H.
Naik, Shri V. P.
Nair, Shri B. K.
Narendra Singh, Shri
Nathu Singh, Shri
Nayak, Shri Laxmi Narain
Nayar, Dr. Sushila
Negi, Shri T. S.
Onkar Singh, Shri
Oraon, Shri Lalu
Pandey, Shri Ambika Prasad
Pandeya, Dr. Laxminarayan
Pandit, Dr. Vasant Kumar
Parmal Lal, Shri
Parmar, Shri Natwarlal B.
Parthasarathy, Shri P.
Parulekar, Shri Bapusaheb
Paswan, Shri Ram Vilas
Patel, Shri Dharmasinhbhai
Patel, Shri Dwarikadas
Patel, Shri H. M.
Patel, Shri Meena Lal
Patel, Shri Nanubhai N.
Patidar, Shri Rameshwar
Patil, Shri Chandrakant
Patil, Shri Vijaykumar N.
Patnaik, Shri Biju
Patwary, Shri H. L.
Periasamy, Dr. P. V.
Pertin, Shri Bakin
Phirangi Prasad, Shri
Pipil, Shri Mohan Lal
Poojary, Shri Janardhana
Pradhan, Shri Pabitra Mohan

Pradhani, Shri K.
Pullaiah, Shri Darur
Qureshi, Shri Mohd. Shafi
Rachaiah, Shri B.
Raghavendra Singh, Shri
Raghavji, Shri
Raghu Ramaiah, Shri K.
Rahi, Shri Ram Lal
Rai, Shri Gauri Shankar
Rai, Shri Narmada Prasad
Rai, Shri Shiv Ram
Raj Keshar Singh, Shri
Raj Narain, Shri
Rajda, Shri Ratansinh
Raju, Shri P. V. G.
Rakesh, Shri R. N.
Ram, Shri R. D.
Ram Charan, Shri
Ram Dhan, Shri
Rom Gopal Singh, Chaudhury
Ram Kinkar, Shri
Ram Kishan, Shri
Ram Murti, Shri
Ram Sagar, Shri
Ramachandran, Shri P.
Ramalingam, Shri N. Kudanthai
Ramalingam, Shri P. S.
Ramamurthy, Shri K.
Ramapati Singh, Shri
Ramaswamy, Shri S.
Ramji Singh, Dr.
Ramjiwan Singh, Shri
Ramoowalia, Shri Balwant Singh
Ranjit Singh, Shri
Rao, Shrimati B. Radhabai Ananda
Rao, Shri J. Rameshwar
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri P. V. Narasimha
Rao, Shri Pattabhi Rama
Rasheed Masood, Shri
Rath, Shri Ramachandra
Rathor, Dr. Bhagwan Dass
Ravindra Pratap Singh, Shri
Reddi, Shri G. S.
Reddy, Shri K. Brahmananda
Rodrigues, Shri Rudolph
Rothuama, Dr. R.
Saeed Murtaza, Shri
Sahoo, Shri Ainthu
Sai, Shri Larang
Sai, Shri Narhari Prasad Sukhdeo
Samantasinhera, Shri Padmacharan
Saran, Shri Daulat Ram
Sarangi, Shri R. P.
Sarda, Shri S. K.
Sarkar, Shri S. K.
Sarsonia, Shri Shiv Narain
Satapathy, Shri Devendra
Sathe, Shri Vasant
Satya Deo Singh, Shri
Sayian Wala, Shri Mohinder Singh
Seyid Muhammad, Dr. V. A.
Shah, Shri D. P.
Shah, Shri Surath Bahadur
Shaiza, Shrimati Rano M.
Shakya, Dr. Mahadeepak Singh
Shankar Dev, Shri
Shanti Devi, Shrimati
Sharma, Shri Jagannath
Sharma, Shri Rajendra Kumar
Sharma, Shri Yagya Datt
Shastri, Shri Bhanu Kumar
Shastri, Shri Ram Dhari
Shastri, Shri Y. P.
Shejwalkar, Shri N. K.
Sheo Narain, Shri
Sher Singh, Prof.
Sheth, Shri Vinodbhai B.
Shiv Sampati Ram, Shri
Shrikrishna Singh, Shri
Shukla, Shri Madan Lal
Sikander Bakht, Shri
Singh, Dr. B. N.
Sinha, Shri C. M.
Sinha, Shri H. L. P.

Sinha, Shri Purnanarayan
Sinha, Shri Satyendra Narayan
Somani, Shri Roop Lal
Somani, Shri S. S.
Somasundaram, Shri S. D.
Stephen, Shri C. M.
Subramaniam, Shri C.
Sudheeran, Shri V. M.
Sukhendra Singh, Shri
Suman, Shri Ramji Lal
Suman, Shri Surendra Jha
Sunna Sahib, Shri A.
Suraj Bhan, Shri
Surya Narain Singh, Shri
Swamy, Dr. Subramaniam
Swantantra, Shri Jagannath Prasad
Talwandi, Shri Jagdev Singh
Tan Singh, Shri
Tej Pratap Singh, Shri
Thakur, Shri Aghan Singh
Thorat, Shri Bhausaheb
Tiwari, Shri Brij Bhushan
Tiwari, Shri D. N.
Tiwary, Shri Madan
Tohra, Shri G. S.
Tombi Singh, Shri N.
Tripathi, Shri Madhav Prasad
Tripathi, Shri Ram Prakash
Tulsiram, Shri V.
Tur, Shri Mohan Singh
Tyagi, Shri Om Prakash
Ugrasen, Shri
Vajpayee, Shri Atal Bihari
Varma, Shri Ravindra
Venkataraman, Shri R.
Venkatareddy, Shri P.
Venkatasubbaiah, Shri P.
Verma, Shri Brijlal
Verma, Shri Hargovind
Verma, Shri R. L. P.
Verma, Shri Sukhdeo Prasad
Visvanathan, Shri C. N.
Yadav, Shri Hukmdeo Narain
Yadav, Shri Jagdambi Prasad
Yadav, Shri Narsingh
Yadav, Shri Ramji Lal
Yadav, Shri Sharad
Yadav, Shri Vinayak Prasad
Yadava, Shri Roop Nath Singh
Yadvendra Dutt, Shri

MR. SPEAKER: Subject to correction, the result* of the Division is: Ayes 51; Noes 354. The "Noes" have it.

The motion was negatived.

MR. SPEAKER: Amendment No. 278; Shri Hari Vishnu Kamath.

SHRI HARI VISHNU KAMATH: May I request you to read the amendment? The Minister was half inclined to accept the amendment. If you read it to the House, they will know what the amendment is. My amendment is that the period of preventive detention should be reduced from "two months" to "one month". I want to press it.

MR. SPEAKER: It is for reducing the period from "two months" to "one month". The Minister is not willing to accept the amendment.

Now, I put Amendment No. 278 of Shri Hari Vishnu Kamath to the vote of the House.

The question is:

Pages 1 and 2, lines 20 and 1, respectively,—

for "two months" *substitute* "one month" (278);

The Lok Sabha divided:

*The following Members also recorded their votes for NOES:—

Sarvashri S. D. Patil, Prafulla Chandra Sen, M. P. Sinha, S. Nanjesha Gowda, Ghulam Mohammad Khan, T. S. Shrangare and Prof. Dilip Chakravarty.

†16.42 hrs.

Division No. 8]

AYES

Bagri, Shri Mani Ram
Banatwalla, Shri G.M.
Barman, Shri Palas
Barrow, Shri A.E.T.
Basu, Shri Chitta
Bhagat Ram., Shri
Bhattacharya, Shri Dinen
Bhattacharyya, Shri Shyamaprasanna
Bosu, Shri Jyotirmoy
Burande, Shri Gangadhar Appa
Chandrappan, Shri C.K.
Chatterjee, Shri Somnath
Chaudhuri, Shri Tridib
Das, Shri R. P.
Des, Shri P.K.
Desai, Shri Dajiba
Deshmukh, Shri Sheshrao
Gode, Shri Santoshrao
Goswami, Shrimati Bibha Ghosh
Gotkhinde, Shri Annasaheb
Halder, Shri Krishna Chandra
Hande, Shri V.G.
Jethmalani, Shri Ram
Kamath, Shri Hari Vishnu
Kamble, Shri B.C.
Kapoor, Shri L.L.
Kasar, Shri Amrut
Kisku, Shri Jadunath
Kodiyan, Shri P.K.
Krishnan, Shrimati Parvathi
Lahanu Shidava Kom, Shri
Mahata, Shri C.R.
Mandal, Shri Mukunda
Mane, Shri Rajaram Shankarrao
Mavalankar, Prof. P.G.
Modak, Shri Bijoy
Mukherje, Shri Samar
Murugaiyan, Shri S.G.
Nair, Shri M.N. Govindan
Narayana, Shri K.S.
Patil, Shri D.B.
Patnaik, Shri Sivaji
Pradhan, Shri Amar Roy
Rajan, Shri K.A.
Rangnekar, Shrimati Ahilya P.
Roy, Shri A.K.
Roy, Dr. Saradish
Saha, Shri A. K.
Saha, Shri Gadadhar
Sanyal, Shri Sasankasekhar
Sen, Shri Robin
Sudheeran, Shri V.M.
Tirkey, Shri Pius
Tiwary, Shri Madan
Yadav, Shri, Hukmdeo Narain

NOES

Abdul Lateef, Shri
Agrawal, Shri Satish
Ahsan Jafri, Shri
Ahuja, Shri Subhash
Alagesan, Shri O. V.
Alhaj, Shri M.A. Hannan
Amat, Shri D.
Amin, Prof. R. K.
Anbalagan, Shri P.
Ankineedu, Shri Maganti
Ansari, Shri Faquir Ali
Arif Beg, Shri
Arunachalam alias 'Aladi Aruna', Shri V.
Asokaraj, Shri A.
Austin, Dr. Henry
Badri Narayan, Shri A.R.
Bahuguna, Shri H.N.
Bahuguna, Shrimati Kamala
Bairagi, Shri Jena
Bal, Shri Pradyumna
Balak Ram, Shri
Balbir Singh, Chowdhry
Baldev Prakash, Dr.
Barakataki, Shrimati Renuka Devi

Barnala, Shri Surjit Singh
Barua, Shri Bedabrata
Basappa, Shri Kondajji
Bateshwar Hemram, Shri
Bhadoria, Shri Arjun Singh
Bhakta, Shri Manoranjan
Bhanwar Shri Bhagirath
Bharat Bhushan, Shri
Bheeshma Dev, Shri M.
Birendra Prasad, Shri
Borole, Shri Yashwant
Borooah, Shri D.K.
Brahm Perkash, Chaudhury
Brij Raj Singh, Shri
Chakravarty, Prof. Dilip
Chand Ram, Shri
Chandan Singh, Shri
Chandra Shekhar, Shri
Chandra Shekhar Singh, Shri
Chandra Pal Singh, Shri
Chaturbhuj, Shri
Chaturvedi, Shri Shambhu Nath
Chaudhary, Shri Motibhai R.
Chaudhry, Shri Ishwar
Chaudhury, Shri Rudra Sen
Chauhan, Shri Nawab Singh
Chavan, Shri Yeshwantrao
Chavda, Shri K.S.
Chettri, Shri K.B
Chhetri, Shri Chhatra Bahadur
Chikkalingiah, Shri K.
Choudhari, Shri K.B.
Chowhan, Shri Bharat Singh
Chunder, Dr. Pratap Chandra
Dabhi, Shri Ajitsinh
Damor, Shri Somjibhai
Dandavate, Prof. Madhu
Danwe, Shri Pundalik Hari
Das, Shri S.S.
Dasgupta Shri K.N.
Dave, Shri Anant
Dawn, Shri Raj Krishna
Deo, Shri V. Kishore Chandra S.
Desai, Shri D.D.
Desai, Shri Hitendra
Desai, Shri Morarji
Deshmukh, Shri Nanaji
Deshmukh, Shri Ram Prashad
Devarajan, Shri B.
Dhandayuthapani, Shri V.
Dhillon, Shri Iqbal Singh
Digvijoy Narain Singh, Shri
Doley, Shri L.K.
Durga Chand, Shri
Dutt, Shri Asoke Krishna
Elanchezhian, Shri V.S.
Engti, Shri Biren
Fazlur Rahman, Shri
Fernandes, Shri George
Gamit, Shri Chhitubhai
Ganga Bhakt Singh, Shri
Ganga Singh, Shri
Gattani, Shri R.D.
Gawai, Shri D.G.
Ghosal, Shri Sudhir
Gogoi, Shri Tarun
Gomango, Shri Giridhar
Gopal, Shri K.
Gore, Shrimati Mrinal
Gowda, Shri S. Nanjesha
Goyal, Shri krishna Kumar
Guha, Prof. Samar
Gulshan, Shri Dhanna Singh
Gupta, Shri Kanwar Lal
Haren Bhumij, Shri
Harikesh Bahadur, Shri
Hazari, Shri Ram Sewak
Heera Bhai, Shri
Hukam Ram, Shri
Inder Singh, Shri
Jagannathan, Shri S.
Jagjivan Ram, Shri
Jain, Shri Kacharulal Hemraj
Jain, Shri Kalyan
Jain, Shri Nirmal Chandra

Jaiswal, Shri Anant Ram
Jasrotia, Shri Baldev Singh
Jeyalakshmi, Shrimati V.
Joshi, Dr. Murli Manohar
Kachwai, Shri Hukam Chand
Kadam, Shri B.P.
Kadannappalli, Shri Ramachandran
Kaiho, Shri
Kailash Prakash, Shri
Kakade, Shri Sambhajirao
Kaldate, Dr. Bapu
Kamakshaiah, Shri D.
Kannan, Shri P.
Kar, Shri Sarat
Karan Singh, Dr.
Kaushik, Shri Purushottam
Kesharwani, Shri N.P.
Khalsa, Shri Basant Singh
Khan, Shri Ghulam Mohammad
Khan, Shri Ismail Hossain
Khan, Shri Kunwar Mahmud Ali
Khan, Shri Mahmood Hasan
Kidwai, Shrimati Mohisina
Kishore Lal, Shri
Kolanthaivelu, Shri R.
Kolur, Shri Rajshekhar
Kosalram, Shri K.T.
Krishan Kant, Shri
Kundu, Shri Samarendra
Kunhambu, Shri K.
Kureel, Shri Jwala Prasad
Kushwaha, Shri Ram Naresh
Lakkappa, Shri K.
Lakshminarayanan, Shri M.R.
Lal, Shri S.S.
Lalu Prasad, Shri
Laskar, Shri Nihar
Machhand, Shri Raghubir Singh
Mahala, Shri K.L.
Mahale, Shri Hari Shankar
Mahi Lal, Shri
Mahishi, Dr. Sarojini
Maiti, Shrimati Abha
Malhotra, Shri Vijay Kumar
Mallanna, Shri K.
Mallick, Shri Rama Chandra
Mandal, Shri B.P.
Mandal, Shri Dhanik Lal
Mangal Deo, Shri
Mankar, Shri Laxman Rao
Manohar Lal, Shri
Mathur, Shri Jagdish Prasad
Mayathevar, Shri K.
Meerza, Shri Syed Kazim Ali
Mehta, Shri Prasannbhai
Mhalgi, Shri R.K.
Mirdha, Shri Nathu Ram
Mishra, Shri G.S.
Mishra, Shri Janeshwar
Mohanarangam, Shri Ragavalu
Mohd. Hayat Ali, Shri
Mondal, Dr. Bijoy
Mritunjay Prasad, Shri
Multan Singh, Chaudhary
Munda, Shri Govinda
Munda, Shri Karia
Murthy, Shri M.V. Chandrashekhara
Murugesan, Shri A.
Nahar, Shri Bijoy Singh
Nahata, Shri Amrit
Naidu, Shri P. Rajagopal
Naik, Shri S.H.
Nair, Shri B.K.
Narendra Singh, Shri
Nathu Singh, Shri
Nayak, Shri Laxmi Narain
Negi, Shri T.S.
Onkar Singh, Shri
Oraon, Shri Lalu
Pandey, Shri Ambika Prasad
Pandeya, Dr. Laxminarayan
Pandit, Dr. Vasant Kumar
Parmai Lal, Shri
Parmar, Shri Natwarlal B.
Parthasarathy, Shri P.
Parulekar, Shri Bapusaheb

Paswan, Shri Ram Vilas
Patel, Shri Dharmasinhbhai
Patel, Shri Dwarikadas
Patel, Shri H.M.
Patel, Km. Maniben Vallabhbhai
Patel, Shri Meetha Lal
Patidar, Shri Rameshwar
Patil, Shri Chandrakant
Patil, Shri S.D.
Patil, Shri Vijaykumar N.
Patnaik, Shri Biju
Periasamy, Dr. P.V.
Phirangi Prasad, Shri
Pipil, Shri Mohan Lal
Poojary, Shri Janardhana
Pradhan, Shri Pabitra Mohan
Pradhani, Shri K.
Pullaiah, Shri Darur

Qureshi, Shri Mohd. Shafi

Rachaiah, Shri B.
Raghavendra Singh, Shri
Raghavji, Shri
Raghu Ramaiah, Shri K.
Rahi, Shri Ram Lal
Rai, Shri Gauri Shankar
Rai, Shri Narmada Prasad
Rai, Shri Shiv Ram
Raj Keshar Singh, Shri
Raj Narain, Shri
Rajda, Shri Ratansinh
Raju, Shri P.V.G.
Rakesh, Shri R. N.
Ram, Shri R.D.
Ram Charan, Shri
Ram Dhan, Shri
Ram Gopal Singh, Chaudhury
Ram Kinkar, Shri
Ram Murti, Shri
Ram Sagar, Shri
Ramachandran, Shri P.
Ramalingam, Shri N. Kudanthal
Ramalingam, Shri P.S.
Ramamurthy, Shri K.
Ramapati Singh, Shri
Ramaswamy, Shri S.
Ramji Singh Dr.
Ramjiwan Singh, Shri
Ramoowalia, Shri Balwant Singh
Ranjit Singh, Shri
Rao, Shrimati B. Radhabai Ananda
Rao, Shri J. Rameshwar
Rao, Shri M.S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri P.V. Narasimha
Rao, Shri Pattabhi Rama
Rasheed Masood, Shri
Rath, Shri Ramachandra
Rathor, Dr. Bhagwan Dass
Ravi, Shri Vayalar
Ravindra Pratap Singh, Shri
Reddi, Shri G.S.
Reddy, Shri Brahmananda
Reddy, Shri M. Ram Gopal
Rodrigues, Shri Rudolph
Rothuama, Dr. R.

Saeed Murtaza, Shri
Sahoo, Shri Ainthu
Sai, Shri Larang
Sai, Shri Narhari Prasad Sukhdeo
Samantasinhera, Shri Padmacharan
Saran, Shri Daulat Ram
Sarangi, Shri R.P.
Sarda, Shri S.K.
Sarkar, Shri S. K.
Sarsonia, Shri Shiv Narain
Satapathy, Shri Devendra
Sathe, Shri Vasant
Satya Deo Singh, Shri
Sayian Wala, Shri Mohinder Singh
Sen, Shri Prafulla Chandra
Shah, Shri D.P.
Shah, Shri Surath Bahadur
Shaiza, Shrimati Rano M.
Shakya, Dr. Mahadeepak Singh
Shankar Dev, Shri

Shanti Devi, Shrimati
Sharma, Shri Jagannath
Sharma, Shri Rajendra Kumar
Sharma, Shri Yagya Dutt
Shastri, Shri Bhanu Kumar
Shastri, Shri Y.P.
Shejwalkar, Shri N.K.
Sheo Narain, Shri
Sher Singh, Prof.
Shiv Sampati Ram, Shri
Shrangare, Shri T.S.
Shrikrishna Singh, Shri
Shukla, Shri Madan Lal
Sikander Bakht, Shri
Singh Dr. B. N.
Singha, Shri Sachindralal
Sinha, Shri C.M.
Sinha, Shri H.L.P.
Sinha, Shri Purnanarayan
Sinha, Shri Satyendra Narayan
Somani, Shri Roop Lal
Somani, Shri S.S.
Somasundaram, Shri S. D.
Subramaniam, Shri C.
Sukhendra Singh, Shri
Suman, Shri Ramji Lal
Suman, Shri Surendra Jha
Sunna Sahib, Shri A.
Suraj Bhan, Shri
Surya Narain Singh, Shri
Swamy, Dr. Subramaniam
Swatantra, Shri Jagannath Prasad

Talwandi, Shri Jagdev Singh
Tan Singh, Shri
Tej Pratap Singh, Shri
Thakur, Shri Aghan Singh
Thorat, Shri Bhausaheb
Tiwary, Shri D.N.
Tohra, Shri G.S.
Tombi Singh, Shri N.
Tripathi, Shri Madhav Prasad
Tripathi, Shri Ram Prakash
Tulsiram, Shri V.
Tur, Shri Mohan Singh
Tyagi, Shri Om Prakash

Ugrasen, Shri
Unnikrishnan, Shri K.P.

Vajpayee, Shri Atal Bihari
Varma, Shri Ravindra
Venkataraman, Shri R.
Venkatareddy, Shri P.
Venkatasubbaiah, Shri P.
Verma, Shri Brijlal
Verma, Shri Hargovind
Verma, Shri R.L.P.
Verma, Shri Sukhdeo Prasad
Visvanathan, Shri C.N.

Yadav, Shri Jagdambi Prasad
Yadav, Shri Narsingh
Yadav, Shri Ramji Lal
Yadav, Shri Sharad
Yadvendra Dutt, Shri

MR. SPEAKER: There will be no further orders for clearing the lobbies because lobbies have to be cleared very often.

Subject to correction, the result* of the Division is:

Ayes: 55

Noes: 342

The motion was negatived.

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*The following Members also recorded their votes:—

AYES: Shri Bakin Pertin.

NOES: Sarvashri Yuvraj, Vinodbhai B. Sheth, Brij Bhushan Tiwari, Govind Ram Miri, M. P. Sinha, Sushil Kumar Dhara, Ram Kanwar Berwa, Ram Dhari Shastri, V. Arunachalam alias Aladi Aruna, Nanasahib Bonde, C. M. Stephen and Roop Nath Singh Yadav.

MR. SPEAKER: I shall now put Amendment No. 288, moved by Shrimati Parvathi Krishnan, to the vote of the House.

Amendment No. 288 was put and negatived.

Clause 4

MR. SPEAKER: Amendment No. 36, Mr. Bapusaheb Parulekar. Are you pressing?

SHRI BAPUSAHEB PARULEKAR: No, Sir, I would like to withdraw my amendment.

Amendment No. 36 was, by leave, withdrawn.

MR. SPEAKER: I shall now put Amendment No. 55, moved by Shri A. K. Roy, to the vote of the House.

Amendment No. 55 was put and negatived.

MR. SPEAKER: Amendments Nos. 83, 84 and 85, moved by Shri Shambhu Nath Chaturvedi.

SHRI SHAMBHU NATH CHATURVEDI: Sir, I am not pressing, I would like to withdraw my amendments.

Amendment Nos. 83 to 85 were, by leave, withdrawn.

MR. SPEAKER: Amendment No 236 moved by Mr. Kanwar Lal Gupta.

SHRI KANWAR LAL GUPTA: Sir, I am not pressing, I want to withdraw it.

Amendment No. 236 was, by leave, withdrawn.

MR. SPEAKER: Amendment No. 332, moved by Shri Ramji Singh....

DR. RAMJI SINGH: Sir, I want to withdraw my amendment.

Amendment No. 332 was, by leave, withdrawn.

Clause 5

MR. SPEAKER: I shall now put Amendment No. 56, moved by Shri A. K. Roy, to the vote of the House.

Amendment No. 56 was put and negatived.

PROF. P. G. MAVALANKAR: Sir, on a point of order. I do not know how you said that the doors would remain closed all the time because some Members may be out and they should be able to come in....

SHRI SAUGATA ROY: The doors are open.

MR. SPEAKER: The rule provides for that. The doors will be opened for those who want to come in.

Now, Amendment No. 338, moved by Dr. Ramji Singh....

DR. RAMJI SINGH: I want to withdraw my amendment.

Amendment No. 338 was, by leave, withdrawn

MR. SPEAKER: Clause 6. There is no amendment.

Clause 7

MR. SPEAKER: Amendments Nos. 326 and 333, moved by Shri B. C Kamble. I shall now put them to the vote of the House.

Amendments Nos. 326 and 333 were put and negatived.

Clause 8

MR. SPEAKER: Amendment No. 57, moved by Shri A. K. Roy. I shall now put it to the vote of the House.

Amendment No. 57 was, put and negatived.

MR. SPEAKER: I will now put amendment No. 116 of Shri Dajiba Desai to vote.

Now, the question is:

Page 3,—

omit lines 6 to 9 (116)

The Lok Sabha divided:

Division No. 9]

[16.52 hrs.

AYES

Ankineedu, Shri Maganti
Arunachalam, Shri M.
Badri Narayan, Shri A. R.
Barman, Shri Palas
Basu, Shri Chitta
Bhagat Ram, Shri
Bhakta, Shri Manoranjan
Bhattacharya, Shri Dinen
Bhattacharyya, Shri Shyamaprasanna
Bosu, Shri Jyotirmoy
Burande, Shri Gangadhar Appa
Chandrappan, Shri C. K.
Chatterjee, Shri Somnath
Chaudhuri, Shri Tridib
Chavan, Shrimati P.
Chettri, Shri K. B.
Chikkalingiah, Shri K.
Choudhari, Shri K. B.
Dabhi, Shri Ajitsinh
Damor, Shri Somji Bhai.
Das, Shri R. P.
Deo, Shri P. K.
Desai, Shri Dajiba
Deshmukh, Shri Sheshrao
Devarajan, Shri B.
Engti, Shri Biren
Gamit, Shri Chhitubhai
Gogoi, Shri Tarun
Gomango, Shri Giridhar.
Goswami, Shrimati Bibha Ghosh
Gotkhinde, Shri Annasaheb
Halder, Shri Krishna Chandra
Hande, Shri V. G.
Jeyalakshmi, Shrimati V.
Kadam, Shri B. P.
Kadannappalli, Shri Ramachandran
Kamakshaiah, Shri D.
Kamble, Shri B. C.
Kasar, Shri Amrut
Kidwai, Shrimati Mohsina
Kisku, Shri Jadunah
Kodiyan, Shri P. K.
Kolur, Shri Rajshekhar
Kosalram, Shri K. T.
Krishnan, Shrimati Parvathi
Kunhambu, Shri K.
Lahanu Shidava Kom, Shri
Laskar, Shri Nihar
Mahata, Shri C. R.
Mallanna, Shri K.
Mane, Shri Rajaram Shankarrao
Mishra, Shri G. S.
Modak, Shri Bijoy
Mukherjee, Shri Samar
Murthy, Shri M. V. Chandrashekhara
Murugaiyan, Shri S. G.
Naidu, Shri P. Rajagopal
Naik, Shri S. H.
Naik, Shri V. P.
Nair, Shri B. K.
Patel, Shri Dwarikadas
Patil, Shri D. B.
Patil, Shri S. B.
Patil, Shri Vijaykumar N.
Patnaik, Shri Sivaji
Pertin, Shri Bakin
Poojary, Shri Janardhana
Pradhan, Shri Amar Roy
Pradhani, Shri K.
Pullaiah, Shri Darur
Rachaiah, Shri B.
Rajan, Shri K. A.
Raju, Shri P. V. G.
Ramalingam, Shri N. Kudanthai
Ramamurthy, Shri K.
Rangnekar, Shrimati Ahilya P.
Rao, Shrimati B. Radhabai Ananda
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri P. V. Narasimha
Rao, Shri Pattabhi Rama

Rath, Shri Ramachandra
Ravi, Shri Vayalar
Reddi, Shri G. S.
Reddy, Shri S. R.
Roy, Shri A. K.
Roy, Dr. Saradish
Saha, Shri A. K.
Saha, Shri Gadadhar
Sanyal, Shri Sasankasekhar
Sathe, Shri Vasant
Sen, Shri Robin
Shankar Dev, Shri
Stephen, Shri C. M.
Swaminathan, Shri R. V.
Thorat, Shri Bhausaheb
Tirkey, Shri Pius
Tulsiram, Shri V.
Venkataraman, Shri R.
Venkatareddy, Shri P.
Venkatasubbaiah, Shri P.

NOES

Abdul Lateef, Shri
Agrawal, Shri Satish
Ahsan Jafri, Shri
Ahuja, Shri Subhash
Alagesan, Shri O. V.
Alhaj, Shri M. A. Hannan
Amat, Shri D.
Amin, Prof. R. K.
Anbalagan, Shri P.
Ansari, Shri Faquir Ali
Argal, Shri Chhabiram
Arif Beg, Shri
Arunachalam alias 'Aladi Aruna' Shri V.
Asokaraj, Shri A.
Austin, Dr. Henry
Bagri, Shri Mani Ram
Bahuguna, Shri H. N.
Bahuguna, Shrimati Kamala
Bairagi, Shri Jena
Bal, Shri Pradvumna
Balak Ram, Shri
Balbir Singh, Chowdhry
Baldev Prakash, Dr.
Barakataki, Shrimati Renuka Devi
Barnala, Shri Surjit Singh
Barrow, Shri A. E. T.
Barua, Shri Bedabrata
Basappa, Shri Kondajji
Basu, Shri Dhirendranath
Bateshwar Hemram, Shri
Berwa, Shri Ram Kanwar
Bhadoria, Shri Arjun Singh
Bhanwar Shri Bhagirath
Bharat Bhushan, Shri
Birendra Prasad, Shri
Borole, Shri Yashwant
Borooah, Shri D. K.
Brahm Perkash, Chaudhury
Brij Raj Singh, Shri
Chakravarty, Prof. Dilip
Chand Ram, Shri
Chandan Singh, Shri
Chandra Shekhar, Shri
Chandra Shekhar Singh, Shri
Chandra Pal Singh, Shri
Chaturbhuj, Shri
Chaturvedi, Shri Shambhu Nath
Chaudhary, Shri Motibhai R.
Chaudhry, Shri Ishwar
Chaudhury, Shri Rudra Sen
Chauhan, Shri Nawab Singh
Chavan, Shri Yeshwantrao
Chavda, Shri K. S.
Chhetri, Shri Chhatra Bahadur
Chowhan, Shri Bharat Singh
Chunder, Dr. Pratap Chandra
Dandavate, Prof. Madhu
Danwe, Shri Pundalik Hari
Das, Shri S. S.
Dasgupta, Shri K. N.
Dave, Shri Anant
Dawn, Shri Raj Krishna
Desai, Shri Hitendra

Desai, Shri Morarji
Deshmukh, Shri Nanaji
Deshmukh, Shri Ram Prasad
Dhandayuthapani, Shri V.
Dhara, Shri Sushil Kumar
Dhillon, Shri Iqbal Singh
Digvijoy Narain Singh, Shri
Durga Chand, Shri
Dutt, Shri Asoke Krishna
Elanchezhian, Shri V. S.
Fazlur Rahman, Shri
Fernandes, Shri George
Ganga Bhakt Singh, Shri
Ganga Singh, Shri
Gattani, Shri R. D.
Ghosal, Shri Sudhir
Godara, Ch. Hari Ram Makkasar
Gode, Shri Santoshrao
Gore, Shrimati Mrinal
Gowda, Shri S. Nanjesha
Goyal, Shri Krishna Kumar
Gulshan, Shri Dhanna Singh
Gupta, Shri Kanwar Lal
Haren Bhumij, Shri
Harikesh Bahadur, Shri
Hazari, Shri Ram Sewak
Heera Bhai, Shri
Hukam Ram, Shri
Inder Singh, Shri
Jagannathan, Shri S.
Jagjivan Ram, Shri
Jain, Shri Kacharulal Hemraj
Jain, Shri Kalyan
Jain, Shri Nirmal Chandra
Jasrotia, Shri Baldev Singh
Jethmalani, Shri Ram
Joshi, Dr. Murli Manohar
Kachwai, Shri Hukam Chand
Kaiho, Shri
Kailash Prakash, Shri
Kakade, Shri Sambhajirao
Kaldate, Dr. Bapu
Kannan, Shri P.
Kapoor, Shri L. L.
Kar, Shri Sarat
Saran Singh, Dr.
Kaushik, Shri Purushottam
Khalsa, Shri Basant Singh
Khan, Shri Ismail Hossain
Khan, Shri Kunwar Mahmud Ali
Khan, Shri Mahmood Hasan
Khrime, Shri Rinching Khandu
Kishore Lal, Shri
Kolanthaivelu, Shri R.
Krishan Kant, Shri
Kundu, Shri Samarendra
Kureel, Shri Jwala Prasad
Kushwaha, Shri Ram Naresh
Lakkappa, Shri K.
Lal, Shri S. S.
Lalu Prasad, Shri
Limaye, Shri Madhu
Lyngdoh, Shri Hopingstone
Mahala, Shri K. L.
Mahale, Shri Hari Shankar
Mahi Lal, Shri
Mahishi, Dr. Sarojini
Maiti, Shrimati Abha
Malhotra, Shri Vijay Kumar
Mallick, Shri Rama Chandra
Mandal, Shri B. P.
Mandal, Shri Dhanik Lal
Mangal Deo, Shri
Mankar, Shri Laxman Rao
Manohar Lal, Shri
Mathur, Shri Jagdish Prasad
Mayathevar, Shri K.
Meerza, Shri Syed Kazim Ali
Mehta, Shri Prasannbhai
Mhalgi, Shri R. K.
Mirdha, Shri Nathu Ram
Miri, Shri Govind Ram
Mishra, Shri Jeneshwar
Mishra, Shri Shyamnandan
Mohanarangam, Shri Ragavalu

Mohd. Hayat Ali, Shri
Mondal, Dr. Bijoy
Mritunjay Prasad, Shri
Multan Singh, Chaudhary
Munda, Shri Govinda
Munda, Shri Karia
Nahar, Shri Bijoy Singh
Nahata, Shri Amrit
Narendra Singh, Shri
Nathu Singh, Shri
Nayak, Shri Laxmi Narain
Nayar, Dr. Sushila
Negi, Shri T. S.
Onkar Singh, Shri
Oraon, Shri Lalu

Pandey, Shri Ambika Prasad
Pandeya, Dr. Laxminarayan
Pandit, Dr. Vasant Kumar
Parmal Lal, Shri
Parmar, Shri Natwarlal B.
Parthasarathy, Shri P.
Parulekar, Shri Bapusaheb
Paswan, Shri Ram Vilas
Patel, Shri Dharmasinbhai
Patel, Shri H. M.
Patel, Km. Maniben Vallabhbhai
Patel, Shri Meetha Lal
Patidar, Shri Rameshwar
Patil, Shri Chandrakant
Patil, Shri S. D.
Patnaik, Shri Biju
Patwary, Shri H. L.
Periasamy, Dr. P. V.
Phirangi Prasad, Shri
Pipil, Shri Mohan Lal
Pradhan, Shri Pabitra Mohan
Qureshi, Shri Mohd. Shafi
Raghavendra Singh, Shri
Raghavji, Shri
Raghu Ramaiah, Shri K.
Rahi, Shri Ram Lal
Rai, Shri Gauri Shankar
Rai, Shri Narmada Prasad
Rai, Shri Shiv Ram
Raj Keshar Singh, Shri
Raj Narain, Shri
Rajda, Shri Ratansinh
Rakesh, Shri R. N.
Ram, Shri R. D.
Ram Charan, Shri
Ram Dhan, Shri
Ram Gopal Singh, Chaudhury
Ram Kinkar, Shri
Ram Kishan, Shri
Ram Murti, Shri
Ram Sagar, Shri
Ramachandran, Shri P.
Ramalingam, Shri P. S.
Ramapati Singh, Shri
Ramji Singh, Dr.
Ramjiwan Singh, Shri
Ramoowalia, Shri Balwant Singh
Ranjit Singh, Shri
Rao, Shri J. Rameshwar
Rasheed Masood, Shri
Rathor, Dr. Bhagwan Dass
Ravindra Pratap Singh, Shri
Reddy, Shri G. Narsimha
Reddy, Shri K. Brahmananda
Rodrigues, Shri Rudolph
Rothuama, Dr. R.
Saeed Murtaza, Shri
Sahoo, Shri Ainthu
Sai, Shri Larang
Sai, Shri Narhari Prasad Sukhdeo
Samantasinhera, Shri Padmacharan
Saran, Shri Daulat Ram
Sarangi, Shri R. P.
Sarda, Shri S. K.
Sarkar, Shri S. K.
Sarsonia, Shri Shiv Narain
Satapathy, Shri Devendra
Satya Deo Singh, Shri
Sayian Wala, Shri Mohinder Singh
Sen, Shri Prafulla Chandra
Seyid Muhammad, Dr. V. A.

Shah, Shri D. P.
Shah, Shri Surath Bahadur
Shaiza, Shrimati Rano M.
Shakya, Dr. Mahadeepak Singh
Shanti Devi, Shrimati
Sharma, Shri Jagannath
Sharma, Shri Rejendra Kumar
Sharma, Shri Yagya Datt
Shastri, Shri Bhanu Kumar
Shastri, Shri Ram Dhari
Shastri, Shri Y. P.
Shejwalkar, Shri N. K.
Sheo Narain, Shri
Sher Singh, Prof.
Sheth, Shri Vinodbhai B.
Shiv Sampati Ram, Shri
Shrikrishna Singh, Shri
Shukla, Shri Madan Lal
Sikander Bakht, Shri
Singh, Dr. B. N.
Singha, Shri Sachindralal
Sinha, Shri C. M.
Sinha, Shri H. L. P.
Sinha, Shri M. P.
Sinha, Shri Purnanarayan
Sinha, Shri Satyendra Narayan
Somani, Shri Roop Lal
Somani, Shri S. S.
Somasundaram, Shri S. D.
Subramaniam, Shri C.
Sukhendra Singh, Shri
Suman, Shri Ramji Lal
Suman, Shri Surendra Jha
Sunna Sahib, Shri A.
Suraj Bhan, Shri
Surya Narain Singh, Shri
Swamy, Dr. Subramaniam
Swatantra, Shri Jagannath Prasad
Talwandi, Shri Jagdev Singh
Tan Singh, Shri
Tej Pratap Singh, Shri
Thakur, Shri Aghan Singh
Tiwari, Shri Brij Bhushan
Tiwary, Shri D. N.
Tiwary, Shri Madan
Tohra, Shri G. S.
Tombi Singh, Shri N.
Tripathi, Shri Madhav Prasad
Tripathi, Shri Ram Prakash
Tur, Shri Mohan Singh
Tyagi, Shri Om Prakash
Ugrasen, Shri
Vajpayee, Shri Atal Bihari
Varma, Shri Ravindra
Verma, Shri Brijlal
Verma, Shri Hargovind
Verma, Shri R. L. P.
Verma, Shri Sukhdeo Prasad
Visvanathan, Shri C. N.
Yadav, Shri Jagdambi Prasad
Yadav, Shri Narsingh
Yadav, Shri Ramji Lal
Yadav, Shri Sharad
Yadava, Shri Roop Nath Singh
Yadvendra Dutt, Shri
Yuvraj, Shri

MR. SPEAKER: Subject to correction, the result* of the Division is: Ayes: 101; Noes: 300.

The motion was negatived.

MR. SPEAKER: We shall come to Amendment No. 140 by Shri Kapoor. Are you pressing?

SHRI L. L. KAPOOR: Yes, Sir.

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*The following Members also recorded their votes for NOES:— Sarvashri Hukmdeo Narain Yadav, Raghubir Singh Machhand, Ghulam Mohammad Khan, Anant Ram Jaiswal, D. G. Gawai, A. Murugesan, S. Ramaswamy, Nanasahib Bonde, Eduardo Faleiro, K. S. Narayana, G. M. Banatwalla and Prof. Samar Guha.

MR. SPEAKER: I shall put the amendment to vote.

Amendment No. 140 was put and negatived.

MR. SPEAKER: I now take up amendment No. 163. Are you pressing or withdrawing?

SHRI YUVRAJ: I want to withdraw.

MR. SPEAKER: Has he the leave of the House to withdraw his amendment?

SEVERAL HON. MEMBERS: Yes.

Amendment No. 163 was, by leave, withdrawn.

MR. SPEAKER: I shall take up amendment No. 232. Are you pressing?

SHRIMATI PARVATHI KRISHNAN: Yes, Sir.

MR. SPEAKER: I shall put the amendment to vote.

Amendment No. 232 was put and negatived.

MR. SPEAKER: I shall now take up amendment Nos. 328 and 329 moved by Shri Kamble. Are you pressing?

SHRI B. C. KAMBLE: Yes, Sir.

MR. SPEAKER: I shall put Amendments No. 328 and 329 to vote.

Amendments No. 328 and 329 were put and negatived.

Clause 9

MR. SPEAKER: I shall take up amendment Nos. 58 and 59 moved by Shri A. K. Roy, Are you pressing them?

SHRI A. K. ROY: Yes, Sir.

MR. SPEAKER: I shall put Amendment No. 58 to the vote of the House.

Amendment No. 58 was put and negatived.

MR. SPEAKER: I shall put amendment No. 59 to the vote of the House.

The question is:

"Page 3, line 23,—

add at the end—

"and restrict it within the limit of 1:10 within the period of one year". (59)

SHRI A. K. ROY: Sir, I rise on a point of order. In every case you read the original amendment. That should have been done.

MR. SPEAKER: There is sufficient other obstruction. The amendment is clear. Let the Lobby be cleared.

The Lok Sabha divided:

Division No. 10] [16.57 hrs.

AYES

Banatwalla, Shri G. M.
Barman, Shri Palas
Bhagat Ram, Shri
Burande, Shri Gangadhar Appa
Das, Shri R. P.
Deshmukh, Shri Sheshrao
Goswami, Shrimati Bibha Ghosh
Hande, Shri V. G.
Jaiswal, Shri Anant Ram
Kamble, Shri B. C.
Lahanu Shidava Kom, Shri
Modak, Shri Bijoy
Murugaiyan, Shri S. G.
Patil, Shri D. B.
Patnaik, Shri Sivaji
Pradhan, Shri Amar Roy
Rajan, Shri K. A.
Roy, Shri A. K.
Sudheeran, Shri V. M.
Tirkey, Shri Pius

NOES

Abdul Lateef, Shri
Agrawal, Shri Satish
Ahsan Jafri, Shri
Ahuja, Shri Subhash
Alagesan, Shri O. V.
Alhaj, Shri M. A. Hannan
Amat, Shri D.
Amin, Prof. R. K.
Anbalagan, Shri P.
Ansari, Shri Faquir Ali
Arif Beg, Shri
Arunachalam, Shri M.
Austin, Dr. Henry
Badri Narayan, Shri A. R.
Bagri, Shri Mani Ram
Bahuguna, Shri H. N.
Bairagi, Shri Jena
Bal, Shri Pradyumna
Balak Ram, Shri
Balbir Singh, Chowdhry
Baldev Prakash, Dr.
Barakataki, Shrimati Renuka Devi
Barnala, Shri Surjit Singh
Basappa, Shri Kondajji
Berwa, Shri Ram Kanwar
Bhadoria, Shri Arjun Singh
Bhakta, Shri Manoranjan
Bhanwar, Shri Bhagirath
Bharat Bhushan, Shri
Bheeshma Dev, Shri M.
Birendra Prasad, Shri
Borole, Shri Yashwant
Brahm Perkash, Chaudhury
Brij Raj Singh, Shri
Chakravarty, Prof. Dilip
Chand Ram, Shri
Chandan Singh, Shri
Chandra Shekhar, Shri
Chandra Shekhar Singh, Shri
Chandra Pal Singh, Shri
Chotur bhuj, Shri
Chaturvedi, Shri Shambhu Nath
Chaudhary, Shri Motibhai R.
Chaudhry, Shri Ishwar
Chaudhury, Shri Rudra Sen
Chauhan, Shri Nawab Singh
Chavan, Shrimati P.
Chavan, Shri Yeshwantrao
Chavda, Shri K. S.
Chettri, Shri K. B.
Chhetri, Shri Chhatra Bahadur
Chikkalingiah, Shri K.
Choudhari, Shri K. B.
Chowhan, Shri Bharat Singh
Chunder, Dr. Pratap Chandra
Dabhi, Shri Ajitsinh
Damor, Shri Somjibhai
Dandavate, Prof. Madhu
Danwe, Shri Pundalik Hari
Das, Shri S. S.
Dasgupta, Shri K. N.
Dave, Shri Anant
Dawn, Shri Raj Krishna
Deo, Shri V. Kishore Chandra S.
Desai, Shri Hitendra
Desai, Shri Morarji
Deshmukh, Shri Nanaji
Deshmukh, Shri Ram Prasad
Dhandayuthapani, Shri V.
Dhara, Shri Sushil Kumar
Dhillon, Shri Iqbal Singh
Digvijoy Narain Singh, Shri
Durga Chand, Shri
Dutt, Shri Asoke Krishna
Elanchezhian, Shri V. S.
Engti, Shri Biren
Faleiro, Shri Eduardo
Fazlur Rahman, Shri
Fernandes, Shri George
Gamit, Shri Chhitubhai
Ganga Bhakt Singh, Shri
Ganga Singh, Shri
Gattani, Shri R. D.

Gawai, Shri D. G.
Ghosal, Shri Sudhir
Godara, Ch. Hari Ram Makkasar
Gode, Shri Santoshrao
Gogoi, Shri Tarun
Gomango, Shri Giridhar
Gopal, Shri K.
Gore, Shrimati Mrinal
Gotkhinde, Shri Annasaheb
Gowda, Shri S. Nanjesha
Goyal, Shri Krishna Kumar
Guha, Prof. Samar
Gulshan, Shri Dhanna Singh
Gupta, Shri Kanwar Lal
Haren Bhumji, Shri
Harikesh Bahadur, Shri
Hazari, Shri Ram Sewak
Heera Bhai, Shri
Hukam Ram, Shri
Inder Singh, Shri
Jagannathan, Shri S.
Jagjivan Ram, Shri
Jain, Shri Kacharulal Hemraj
Jain, Shri Kalyan
Jain, Shri Nirmal Chandra
Jasrotia, Shri Baldev Singh
Jethmalani, Shri Ram
Jeylakshmi, Shrimati V.
Joshi, Dr. Murli Manohar
Kachwai, Shri Hukam Chand
Kadam, Shri B. P.
Kaiho, Shri
Kailash Prakash, Shri
Kakade, Shri Sambhajirao
Kaldate, Dr. Bapu
Kamakshaiah, Shri D.
Kannan, Shri P.
Kapoor, Shri L. L.
Kar, Shri Sarat
Karan Singh, Dr.
Kasar, Shri Amrut
Kaushik, Shri Purushottam
Khalsa, Shri Basant Singh
Khan, Shri Ghulam Mohammad
Khan, Shri Ismail Hossain
Khan, Shri Kunwar Mahmud Ali
Khan, Shri Mahmood Hasan
Kishore Lal, Shri
Kisku, Shri Jadunath
Kolanthaivelu, Shri R.
Kolur, Shri Rajshekhar
Krishan Kant, Shri
Kunhambu, Shri K.
Kureel, Shri Jwala Prasad
Kushwaha, Shri Ram Naresh
Lakshminarayanan, Shri M. R.
Lal, Shri S. S.
Lalu Prasad, Shri
Laskar, Shri Nihar
Limaye, Shri Madhu
Machhand, Shri Raghubir Singh
Mahale, Shri Hari Shankar
Mahi Lal, Shri
Mahishi, Dr. Sarojini
Maiti, Shrimati Abha
Malhotra, Shri Vijay Kumar
Mallanna, Shri K.
Mallick, Shri Rama Chandra
Mandal, Shri B. P.
Mandal, Shri Dhanik Lal
Mane, Shri Rajaram Shankarrao
Mangal Deo, Shri
Mankar, Shri Laxman Rao
Manohar Lal, Shri
Mathur, Shri Jagdish Prasad
Meerza, Shri Syed Kazim Ali
Mehta, Shri Prasannbhai
Mhalgi, Shri R. K.
Mirdha, Shri Nathu Ram
Miri, Shri Govind Ram
Mishra, Shri G. S.
Mishra, Shri Shyamnandan
Mohanarangam, Shri Ragavalu
Mohd. Hayat Ali, Shri
Mondal, Dr. Bijoy
Mritunjay Prasad, Shri

Multan Singh, Chaudhary
Munda, Shri Govinda
Munda, Shri Karia
Murthy, Shri M. V. Chandrashekhara
Murugesan, Shri A.
Nahar, Shri Bijoy Singh
Nahata, Shri Amrit
Naidu, Shri P. Rajagopal
Naik, Shri S. H.
Nair, Shri B. K.
Narayana, Shri K. S.
Narendra Singh, Shri
Nathu Singh, Shri
Nayak, Shri Laxmi Narain
Nayar, Dr. Sushila
Negi, Shri T. S.
Onkar Singh, Shri
Oraon, Shri Lalu
Pandey, Shri Ambika Prasad
Pandeya, Dr. Laxminarayan
Pandit, Dr. Vasant Kumar
Parmai Lai, Shri
Parmar, Shri Natwarlal B.
Parthasarathy, Shri P.
Parulekar, Shri Bapusaheb
Paswan, Shri Ram Vilas
Patel, Shri Dharmasinhbhai
Patel, Shri Dwarikadas
Patel, Shri H. M.
Patel, Km. Maniben Vallabhbhai
Patel, Shri Meetha Lal
Patidar, Shri Rameshwar
Patil, Shri Chandrakant
Patil, Shri S. B.
Patil, Shri S. D.
Patil, Shri Vijaykumar N.
Patnaik, Shri Biju
Patwary, Shri H. L.
Periasamy, Dr. P. V.
Phirangi Prasad, Shri
Pipil, Shri Mohan Lal
Poojary, Shri Janardhana
Pradhan, Shri Pabitra Mohan
Pradhani, Shri K.
Pullaiah, Shri Darur
Rachaiah, Shri B.
Raghavendra Singh, Shri
Raghavji, Shri
Raghu Ramaiah, Shri K.
Rahi, Shri Ram Lal
Rai, Shri Gauri Shankar
Rai, Shri Narmada Prasad
Rai, Shri Shiv Ram
Raj Keshar Singh, Shri
Raj Narain, Shri
Rajda, Shri Ratansinh
Raju, Shri P. V. G.
Rakesh, Shri R. N.
Ram, Shri R. D.
Ram Charan, Shri
Ram Dhan, Shri
Ram Gopal Singh, Chaudhury
Ram Kinkar, Shri
Ram Kishan, Shri
Ram Murti, Shri
Ram Sagar, Shri
Ramachandran, Shri P.
Ramalingam, Shri N. Kudanthai
Ramalingam, Shri P. S.
Ramamurthy, Shri K.
Ramapati Singh, Shri
Ramaswamy, Shri S.
Ramji Singh, Dr.
Ramjiwan Singh, Shri
Ramoowalia, Shri Balwant Singh
Ranjit Singh, Shri
Rao, Shrimati B. Radhabai Ananda
Rao, Shri J. Rameshwar
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri Pattabhi Rama
Rasheed Masood, Shri
Rath, Shri Ramachandra
Rathor, Dr. Bhagwan Dass
Ravindra Pratap Singh, Shri
Reddi, Shri G. S.

Reddy, Shri G. Narsimha
Reddy, Shri S. R.
Rodrigues, Shri Rudolph
Rothuama, Dr. R.
Saeed Murtaza, Shri
Sahoo, Shri Ainthu
Sai, Shri Larang
Sai, Shri Narhari Prasad Sukhdeo
Ramantasinhera, Shri Padmacharan
Saran, Shri Daulat Ram
Sarangi, Shri R. P.
Sarda, Shri S. K.
Sarkar, Shri S. K.
Sarsonia, Shri Shiv Narain
Satapathy, Shri Devendra
Satya Deo Singh, Shri
Sayian Wala, Shri Mohinder Singh
Sen, Shri Prafulla Chandra
Seyid Muhammad, Dr. V. A.
Shah, Shri D. P.
Shah, Shri Surath Bahadur
Shaiza, Shrimati Rano M.
Shakya, Dr. Mahadeepak Singh
Shankar Dev, Shri
Shanti Devi, Shrimati
Sharma, Shri Jagannath
Sharma, Shri Rajendra Kumar
Sharma, Shri Yagya Datt
Shastri, Shri Bhanu Kumar
Shastri, Shri Ram Dhari
Shastri, Shri Y. P.
Shejwalkar, Shri N. K.
Sheo Narain, Shri
Sher Singh, Prof.
Sheth, Shri Vinodhbhai B.
Shiv Sampati Ram, Shri
Shrangare, Shri T. S.
Shukla, Shri Madan Lal
Sikander Bakht, Shri
Singh, Dr. B. N.
Singha, Shri Sachindralal
Sinha, Shri C. M.
Sinha, Shri H. L. P.
Sinha, Shri M. P.
Sinha, Shri Purnanarayan
Sinha, Shri Satyendra Narayan
Somani, Shri Roop Lal
Somani, Shri S. S.
Somasundaram, Shri S.D.
Stephen, Shri C.M.
Subramaniam, Shri C.
Sukhendra Singh, Shri
Suman, Shri Ramji Lal
Suman, Shri Surendra Jha
Sunna Sahib, Shri A.
Suraj Bhan, Shri
Surya Narain Singh, Shri
Swamy, Dr. Subramaniam
Swatantra, Shri Jagannath Prasad
Talwandi, Shri Jagdev Singh
Tan Singh, Shri
Tej Pratap Singh, Shri
Thakur, Shri Aghan Singh
Thorat, Shri Bhausaheb
Tiwary, Shri D. N.
Tiwary, Shri Madan
Tohra, Shri G. S.
Tombi Singh, Shri N.
Tripathi, Shri Madhav Prasad
Tripathi, Shri Ram Prakash
Tulsiram, Shri V.
Tur, Shri Mohan Singh
Tyagi, Shri Om Prakash
Ugrasen, Shri
Vajpayee, Shri Atal Bihari
Varma, Shri Ravindra
Venkataraman, Shri R.
Venkatareddy, Shri P.
Venkatasubbajah, Shri P.

Verma, Shri Brijlal
Verma, Shri Hargovind
Verma, Shri R. L. P
Verma, Shri Sukhdeo Prasad
Yadav, Shri Jagdambi Prasad
Yadav, Shri Narsingh
Yadav, Shri Ramji Lal
Yadav, Shri Sharad
Yadava, Shri Roop Nath Singh
Yadvendra Dutt, Shri
Yuvraj, Shri

MR. SPEAKER: The result* of the division is:

Ayes: 20

Noes: 345

The motion was negatived.

MR. SPEAKER: I shall now put amendment No. 106 to the vote of the House.

Amendment No. 106 was put and negatived.

MR. SPEAKER: I shall now put amendment No. 211 to the vote of the House.

Amendment No. 211 was put and negatived.

MR. SPEAKER: Amendment No. 281 of Shri Hari Vishnu Kamath.

SHRI HARI VISHNU KAMATH: As my amendment No. 281 is not one of cardinal importance, I would like to withdraw it.

Amendment No. 281 was, by leave, withdrawn.

SHRI HUKMDEO NARAIN YADAV: I am not pressing my amendment No. 289. I seek leave of the House to withdraw my amendment.

Amendment No. 289 was, by leave, withdrawn.

MR. SPEAKER: I shall now put amendment No. 330 to the vote of the House.

Amendment No. 330 was put and negatived.

Clause 10

MR. SPEAKER: I shall now put amendment No. 60 to the vote of the House.

Amendment No. 60 was put and negatived.

MR. SPEAKER: I shall now put amendment No. 61 to the vote of the House.

Amendment No. 61 was put and negatived.

MR. SPEAKER: I shall now put amendment No. 62 to the vote of the House.

Amendment No. 62 was put and negatived.

Clause 11

MR. SPEAKER: I shall now put amendment No. 63 to the vote of the House.

Amendment No. 63 was put and negatived.

MR. SPEAKER: I shall now put amendments No. 154 to 155 to the vote of the House.

Amendments Nos. 154 and 155 were put and negatived.

SHRI R. K. MHALGI: I am not pressing my amendment No. 173. I seek leave of the House to withdraw my amendment.

*The following Members also recorded their votes for NOES:— Sarvashri Samarendra Kundu, Janeshwar Mishra, Hukmdeo Narain Yadav, Bateshwar Hemram, Brij Bhushan Tiwari, K. L. Mahala, R. V. Smaminathan, K. T. Kosalram, B. Devarajan, Shrikrishna Singh and Shrimati Mohsina Kidwai.

Amendment No. 173 was, by leave, withdrawn.

SHRI SHAMBU NATH CHATURVEDI: I am not pressing my amendment No. 182. I seek leave of the House to withdraw my amendment.

Amendment No. 182 was, by leave, withdrawn.

SHRI KANWAR LAL GUPTA: I am not pressing my amendment No. 238. I seek leave of the House to withdraw my amendment.

Amendment No. 238 was, by leave, withdrawn.

MR. SPEAKER: I shall now put amendment No. 276 to the vote of the House.

Amendment No. 276 was put and negatived.

AN HON. MEMBER: The "Ayes" have it.

MR. SPEAKER: Now, I am proceeding by Rule 367. Proviso to that Rule says:

> "Provided that, if in the opinion of the Speaker, the Division is unnecessarily claimed, he may ask the members who are for 'Aye' and those for 'No' respectively to rise in their places and, on a count being taken, he may declare the determination of the House.
>
> In such a case the names of the voters shall not be recorded."

Those who are for the amendment may please stand up.

17.00 hrs.

SOME HON. MEMBERS *rose*—

SHRI SHYAMNANDAN MISHRA: I am not clear what you have asked for.

SHRI A. K. ROY: Iam on a point of order. If you have to follow this procedure in this case, you should have followed this procedure from the very beginning.

MR. SPEAKER: No. There is no such thing at all....

SHRI A. K. ROY: Therefore, I say, this is an after-thought. I can understand that this is an after-thought.

MR. SPEAKER: Order please. There is no point of order.

Those who are in favour may please stand up.

SOME HON. MEMBERS *rose*—

MR. SPEAKER: Those who are against may stand up.

SOME HON. MEMBERS *rose*—

MR. SPEAKER: The Noes have it.

PROF. P. G. MAVALANKAR: Every Member has got a right to be recorded whether he votes this way or that way.

SHRI SHYAMNANDAN MISHRA: How can this be done?

SHRI CHANDRA SHEKHAR (Balia): Mr. Speaker, Sir, we know that there is a provision like this.

But, Sir, this provision has never been used. I abide by your ruling. But I shall request you that this provision should not have been invoked at this time when the Constitution Amendment Bill is under consideration.

Sir, while abiding by your ruling, I shall request you not to invoke this provision in this Constitution Amendment Bill. Moreover the Mover of the Amendment was not pressing, I think.

Therefore, I think, there is no necessity to invoke this provision.

MR. SPEAKER: Voting was asked for by persons other than the Mover.

SHRI SHYAMNANDAN MISHRA: No, Sir, may I make my position clear? I press my amendment. The House may ask for a division on it. You were pleased to say, those who are in favour of this should rise in their places. Now, Sir, you should have counted; otherwise it has absolutely

no meaning. Speaker cannot give arbitrary ruling that two-third votes have already been secured. That you cannot say.

MR. SPEAKER: I am afraid that there has been a good deal of misconception.

First of all Mr. Mishra is not correct in saying that amendments are to be carried by two-third majority. It is not so. Amendments are to be carried by simple majority. Simple majority is sufficient.

SHRI SHYAMNANDAN MISHRA: But even then you must count.

MR. SPEAKER: For the benefit of hon. Members, I would like to read out the rule.

It says:

"(c) If the opinion so declared is again challenged, he shall direct that the votes be recorded either by operating the automatic vote recorder or by using 'Aye' and 'No' slips in the House or by the members going into the lobbies."

—and there is a proviso. It says:—

"Provided that, if in the opinion of the Speaker, the Division is unnecessarily claimed"—

—you did not claim the division; somebody else claimed the Division.—

"..he may ask the members who are for 'Aye' and those for 'No' respectively to rise in their places and, on a count being taken, he may declare the determination of the House. In such a case, the names of the voters shall not be recorded."

SHRI SHYAMNANDAN MISHRA: That is different....Quite right. .... (*Interruptions*).

SHRI VASANT SATHE: Who counted?

MR. SPEAKER: If you want, I will put it again... (*Interruptions*).

PROF. P. G. MAVALANKAR: Sir, there are two points arising out of what you have said. First of all, as Shri Mishra said, this is a Constitutional Amendment Bill. Therefore, even if one dissenting voice is there, it must be recorded in the debate. It must be done; you cannot say. No. Secondly, you cannot have one procedure for some clauses and another procedure for other clauses.

MR. SPEAKER: Again, you seem not to have read the rules. It is only when the Speaker thinks that the division is unnecessarily claimed. That is the point. I cannot apply this to everything. (*Interruptions*). All right, I will put this again. Those who are in favour of this amendment may please stand up.... They are five. Those who are against it may now stand up ....They are 206. So, the amendment is negatived.

SHRI DINEN BHATTACHARYA: I challenge you; I say, the majority is in favour.

MR. SPEAKER: We go to the next amendment.

SHRI VAYALAR RAVI: The doors are locked. Many Members are waiting outside. I have just seen, 10—15 Members are waiting outside. Please allow them to come in. Why have you locked up the doors?

MR. SPEAKER: Please open the doors.

SHRI C. M. STEPHEN: You said, that the number was 206. All I am submitting is that it was very clear to everybody that within two minutes' time, counting could not have taken place. We want to know, how many are for it and how many are against it. There is a procedure for counting. The Speaker does not take part at all. The procedure for counting is that each name shall be called and then counting done. You said that the number was 206. My submission is that it must be done in such a manner that it is beyond any doubt. The number 206 was certainly not correct. That was clear to everyone of us ..... (*Interruptions*).

PROF. SAMAR GUHA (Contai): I have a point of order, Sir. According to the Order Paper today, it has been categorically....

MR. SPEAKER: I know, your Resolution is there. I know your Resolution, Mr. Samar Guha. We will have to find some other time. (*Interruptions*).

PROF. SAMAR GUHA: I want to know from you as to what its position is.

MR. SPEAKER: We will find some other time for it.

PROF. SAMAR GUHA: "Some other time" does not mean anything.

MR. SPEAKER: Before this session ends—either this week or next week.

PROF. SAMAR GUHA: This is listed in the List of Business.

MR. SPEAKER: The House can always change it.

PROF. SAMAR GUHA: If you take it up tomorrow, then I am agreeable.

MR. SPEAKER: Let me see. We will try to have it either tomorrow or the day after.

SHRI RAVINDRA VARMA: We can take it up tomorrow.

MR. SPEAKER: I do not know what work we have for tomorrow. Have we listed anything for tomorrow? All right we will have it.

SHRI RAVINDRA VARMA: I would also seek your permission, Sir, to suggest—and appeal to the House—that we continue to sit till we finish the clauses as well as the Third Reading.

MR. SPEAKER: The Minister of Parliamentary Affairs has made a suggestion that we sit and finish. I think it is but a fair proposal. We have taken very much more time than what we estimated. Is it the pleasure of the House to sit and dispose of the Constitution Amendment Bill?

SEVERAL HON. MEMBERS: Yes.

SHRI K. LAKKAPPA: I do not agree. We are not going to agree. I have some other engagement.

MR. SPEAKER: No.

SHRI RAVINDRA VARMA: Let us finish. The statement on bonus will be made.

MR. SPEAKER: Those who are sitting and disposing of the matter may say so.

SEVERAL HON. MEMBERS: Yes.

SHRI K. LAKKAPPA: No, no.

MR. SPEAKER: I now put amendment No. 283 to the vote of the House.

Amendment No. 283 was put and negatived.

MR. SPEAKER: Now about amendment No. 290. Mr. Hukmdeo Narain Yadav, are you pressing it?

श्री हुक्म देव नारायण यादव : मैं वापस लेना चाहता हूं ।

Amendment No. 290 was, by leave, withdrawn.

MR. SPEAKER: I now put amendment No. 331 to the vote of the House.

Amendment No. 331 was put and withdrawn.

MR. SPEAKER: Now about amendment No. 340. Prof. Mavalankar, are you pressing it?

PROF. P. G. MAVALANKAR: I am not pressing it.

Amendment No. 340 was, by leave, withdrawn

Clause 13

MR. SPEAKER: We now take up clause 13. I put the amendment No. 64 of Mr. A. K. Roy to the vote of the House.

SOME HON. MEMBERS: 'Aye'.

SEVERAL HON. MEMBERS: 'No'

SOME HON. MEMBERS: "Ayes" have it.

MR. SPEAKER: Let the lobbies be cleared. The lobbies have been cleared. I shall put amendment No. 64 to the House. Mr. Roy wants me to read it. I shall read it.

The question is:

Page 4, for lines 8 to 10, substitute--

'13. (1) In article 83 of the Constitution, in clause (1), for the words "one-third of the members thereof shall retire as soon as may be on the expiration of every second year" the words "one-fifth of the members thereof shall retire as soon as may be on the expiration of every one year" shall be substituted, and in clause (2), for the words "six years" in both the places where they occur, the words "five years" shall be substituted." (64).

The Lok Sabha divided:

[17.20 hrs.

Division No. 11]

AYES

Gawai, Shri D. G.
Naik, Shri S. H.
Patil, Shri D. B.
*Rao, Shri Pattabhi Rama
Roy, Shri A. K.

NOES

Abdul Lateef, Shri
Agrawal, Shri Satish
Ahsan Jafri, Shri
Ahuja, Shri Subhash
Alhaj, Shri M. A. Hannan
Amin, Prof. R. K.
Anbalagan, Shri P.
Ankineedu, Shri Maganti
Ankineedu Prasada Rao, Shri
Ansari, Shri Faquir Ali
Arif Beg, Shri
Arunachalam, Shri M.
Arunachalam alias 'Aladi Aruna', Shri V.
Asokaraj, Shri A.
Austin, Dr. Henry
Badri Narayan, Shri A. R.
Bagri, Shri Mani Ram
Bahuguna, Shri H. N.
Bahuguna, Shrimati Kamala
Bairagi, Shri Jena
Bal, Shri Pradyumna
Balak Ram, Shri
Balbir Singh, Chowdhry
Baldev Prakash, Dr.
Banatwalla, Shri G. M.
Barakataki, Shrimati Renuka Devi
Barnala, Shri Surjit Singh
Barrow, Shri A. E. T.
Basappa, Shri Kondajji
Bateshwar Hemram, Shri
Berwa, Shri Ram Kanwar
Bhadoria, Shri Arjun Singh
Bhakta, Shri Manoranjan
Bhanwar Shri Bhagirath
Bharat Bhushan, Shri
Bheeshma Dev, Shri M.
Birendra Prasad, Shri
Borole, Shri Yashwant
Borooah, Shri D. K.
Brahm Perkash, Chaudhury
Brij Raj Singh, Shri
Chakravarty, Prof. Dilip
Chand Ram, Shri
Chandan Singh, Shri
Chandra Shekhar, Shri
Chandra Shekhar Singh, Shri
Chandra Pal Singh, Shri
Chandravati, Shrimati
Chaturbhuj, Shri
Chaturvedi, Shri Shambhu Nath
Chaudhury, Shri Rudra Sen
Chauhan, Shri Nawab Singh

*Wrongly voted for AYES.

Chavan, Shrimati P.
Chavan, Shri Yeshwantrao
Chavda, Shri K. S.
Chettri, Shri K. B.
Chhetri, Shri Chhatra Bahadur
Chikkalingiah, Shri K.
Choudhari, Shri K. B.
Chowhan, Shri Bharat Singh
Chunder, Dr. Pratap Chandra
Dabhi, Shri Ajitsinh
Damor, Shri Somjibhai
Dandavate, Prof. Madhu
Danwe, Shri Pundaiik Hari
Das, Shri S. S.
Dasgupta, Shri K. N.
Dave, Shri Anant
Dawn, Shri Raj Krishna
Deo, Shri V. Kishore Chandra S.
Desai, Shri Dajiba
Desai, Shri Hitendra
Desai, Shri Morarji
Deshmukh, Shri Nanaji
Deshmukh, Shri Ram Prasad
Devarajan, Shri B.
Dhandayuthapani, Shri V.
Dhara, Shri Sushil Kumar
Dhillon, Shri Iqbal Singh
Digvijoy Narain Singh, Shri
Doley, Shri L. K.
Durga Chand, Shri
Dutt, Shri Asoke Krishna
Elanchezhian, Shri V. S.
Engti, Shri Biren
Fazlur Rahman, Shri
Fernandes, Shri George
Gamit, Shri Chhitubhai
Ganga Bhakt Singh, Shri
Ganga Singh, Shri
Gattani, Shri R. D.
Ghosal, Shri Sudhir
Godara, Ch. Hari Ram Makkasar
Gode, Shri Santoshrao
Gogoi, Shri Tarun
Gomango, Shri Giridhar
Gore, Shrimati Mrinal
Gotkhinde, Shri Annasaheb
Gowda, Shri S. Nanjesha
Goyal, Shri Krishna Kumar
Guha, Prof. Samar
Gulshan, Shri Dhanna Singh
Haren Bhumij, Shri
Harikesh Bahadur, Shri
Hazari, Shri Ram Sewak
Heera Bhai, Shri
Hukam Ram, Shri
Inder Singh, Shri
Jagannathan, Shri S.
Jagjivan Ram, Shri
Jain, Shri Kacharulal Hemraj
Jain, Shri Kalyan
Jain, Shri Nirmal Chandra
Jasrotia, Shri Baldev Singh
Jethmalani, Shri Ram
Jeyalakshmi, Shrimati V.
Joshi, Dr. Murli Manohar
Kachwai, Shri Hukam Chand
Kadam, Shri B. P.
Kadannappalli, Shri Ramachandran
Kaiho, Shri
Kakade, Shri Sambhajirao
Kaldate, Dr. Bapu
Kamakshaiah, Shri D.
Kamath, Shri Hari Vishnu
Kapoor, Shri L. L.
Kar, Shri Sarat
Karan Singh, Dr.
Kasar, Shri Amrut
Kaushik, Shri Purushottam
Khalsa, Shri Basant Singh
Khan, Shri Ghulam Mohammad
Khan, Shri Ismail Hossain
Khan, Shri Kunwar Mahmud Ali
Khan, Shri Mahmood Hasan
Kidwai, Shrimati Mohsina

Kishore Lal Shri
Kolanthaivelu, Shri R.
Kolur, Shri Rajshekhar
Kosalram, Shri K.T.
Krishan Kant, Shri
Kureel, Shri Jwala Prasad
Kureel, Shri R.L.
Kushwaha, Shri Ram Naresh
Lakshminarayanan, Shri M.R.
Lal, Shri S. S.
Lalu Prasad, Shri
Laskar, Shri Nihar
Limaye, Shri Madhu
Lyngdoh, Shri Hopingstone
Machhand, Shri Raghubir Singh
Mahala, Shri K. L.
Mahale, Shri Hari Shankar
Mahishi, Dr. Sarojini
Maiti, Shrimati Abha
Malhotra, Shri Vijay Kumar
Malik, Shri Mukhtiar Singh
Mallanna, Shri K.
Mallick, Shri Rama Chandra
Mandal, Shri B. P.
Mandal, Shri Dhanik Lal
Mane, Shri Rajaram Shankarrao
Mangal Deo, Shri
Mankar, Shri Laxman Rao
Manohar Lal, Shri
Mathur, Shri Jagdish Prasad
Mayathevar, Shri K.
Mehta, Shri Prasannbhai
Mirdha, Shri Nathu Ram
Miri, Shri Govind Ram
Mishra, Shri G.S.
Mishra, Shri Janeshwar
Mishra, Shri Shyamnandan
Mohanarangam, Shri Ragavalu
Mohd. Hayat Ali, Shri
Mohinder Singh, Shri
Mritunjay Prasad, Shri
Munda, Shri Karia
Murthy, Shri M.V. Chandrashekhara
Nahar, Shri Bijoy Singh
Nahata, Shri Amrit
Naik, Shri V.P.
Nair, Shri B.K.
Narayana, Shri K.S.
Nathu Singh, Shri
Nayak, Shri Laxmi Narain
Nayar, Dr. Sushila
Negi, Shri T.S.
Onkar Singh, Shri
Oraon, Shri Lalu
Pandey, Shri Ambika Prasad
Pandeya, Dr. Laxminarayan
Pandit, Dr. Vasant Kumar
Parmai Lal, Shri
Parmar, Shri Natwarlal B.
Parthasarathy, Shri P.
Parulekar, Shri Bapusaheb
Paswan, Shri Ram Vilas
Patel, Shri Dharmasinhbhai
Patel, Shri H.M.
Patel, Km. Maniben Vallabhbhai
Patel, Shri Meetha Lal
Patidar, Shri Rameshwar
Patil, Shri Chandrakant
Patil, Shri S.D.
Patil, Shri Vijaykumar N.
Patnaik, Shri Biju
Patwary, Shri H.L.
Periasamy, Dr. P.V.
Pertin, Shri Bakin
Phirangi Prasad, Shri
Pipil, Shri Mohan Lal
Poojary, Shri Janardhana
Pradhan, Shri Pabitra Mohan
Pullaiah, Shri Darur
Qureshi, Shri Mohd. Shafi
Rachaiah, Shri B.
Raghavendra Singh, Shri
Raghavji, Shri
Raghu Ramaiah, Shri K.
Rahi, Shri Ram Lal
Rai, Shri Gauri Shankar

Rai, Shri Narmada Prasad
Rai, Shri Shiv Ram
Raj Keshar Singh, Shri
Raj Narain, Shri
Rajda, Shri Ratansinh
Raju, Shri P. V. G.
Rakesh, Shri R. N.
Ram, Shri R. D.
Ram Charan, Shri
Ram Dhan, Shri
Ram Gopal Singh, Chaudhury
Ram Kinkar, Shri
Ram Kishan, Shri
Ram Murti, Shri
Ram Sagar, Shri
Ramachandran, Shri P.
Ramalingam, Shri N. Kudanthai
Ramalingam, Shri P. S.
Ramamurthy, Shri K.
Ramapati Singh, Shri
Ramji Singh, Dr.
Ramjiwan Singh, Shri
Ramoowalia, Shri Balwant Singh
Ranjit Singh, Shri
Rao, Shrimati B. Radhabai Ananda
Rao, Shri J. Rameshwar
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayan
Rasheed Masood, Shri
Rath, Shri Ramachandra
Rathor, Dr. Bhagwan Dass
Ravi, Shri Vayalar
Ravindra Pratap Singh, Shri
Reddi, Shri G. S.
Reddy, Shri G. Narsimha
Reddy, Shri K. Brahmananda
Reddy, Shri K. Obul
Reddy, Shri K. Vijaya Bhaskara
Reddy, Shri M. Ram Gopal
Reddy, Shri S. R.
Rodrigues, Shri Rudolph
Rothuama, Dr. R.
Saeed Murtaza, Shri
Sahoo, Shri Ainthu
Sai, Shri Larang
Sai, Shri Narhari Prasad Sukhdeo
Saini, Shri Manohar Lal
Samantasinhera, Shri Padmacharan
Saran, Shri Daulat Ram
Sarangi, Shri R. P.
Sarkar, Shri S. K.
Sarsonia, Shri Shiv Narain
Satapathy, Shri Devendra
Sathe, Shri Vasant
Satya Deo Singh, Shri
Sayian Wala, Shri Mohinder Singh
Sen, Shri Prafulla Chandra
Shah, Shri D. P.
Shah, Shri Surath Bahadur
Shaiza, Shrimati Rano M.
Shakya, Dr. Mahadepak Singh
Shankar Dev, Shri
Shanti Devi, Shrimati
Sharma, Shri Jagannath
Sharma, Shri Yagya Datt
Shastri, Shri Bhanu Kumar
Shastri, Shri Ram Dhari
Shastri, Shri Y. P.
Shejwalkar, Shri N. K.
Sheo Narain, Shri
Sher Singh, Prof.
Sheth, Shri Vinodbhai B.
Shiv Sampati Ram, Shri
Shrangare, Shri T. S.
Shukla, Shri Madan Lal
Sikander Bakht, Shri
Singh, Dr. B. N.
Singha, Shri Sachindralal
Sinha, Shri C. M.
Sinha, Shri H. L. P.
Sinha, Shri M. P.
Sinha, Shri Purnanarayan
Sinha, Shri Satyendra Narayan
Somani, Shri S. S.
Somasundaram, Shri S. D.
Stephen, Shri C. M.

Subramaniam, Shri C.
Sukhendra Singh, Shri
Suman, Shri Ramji Lal
Suman, Shri Surendra Jha
Suraj Bhan, Shri
Surya Narain Singh, Shri
Swamy, Dr. Subramaniam
Swatantra, Shri Jagannath Prasad

Talwandi, Shri Jagdev Singh
Tan Singh, Shri
Tej Pratap Singh, Shri
Thakur, Shri Aghan Singh
Thorat, Shri Bhausaheb
Tiwari, Shri Brij Bhushan
Tiwary, Shri D. N.
Tiwary, Shri Madan
Tohra, Shri G. S.
Tombi Singh, Shri N.
Tripathi, Shri Ram Prakash
Tulsiram, Shri V.
Tur, Shri Mohan Singh
Tyagi, Shri Om Prakash

Ugrasen, Shri

Vajpayee, Shri Atal Bihari
Varma, Shri Ravindra
Vasisht, Shri Dharma Vir
Veerabhadrappa, Shri K. S.
Venkataraman, Shri R.
Venkatasubbaiah, Shri P.
Verma, Shri Brijlal
Verma, Shri Hargovind
Verma, Shri R. L. P.
Verma, Shri Sukhdeo Prasad
Viswanathan, Shri C. N.

Yadav, Shri Hukmdeo Narain
Yadav, Shri Jagdambi Prasad
Yadav, Shri Narsingh
Yadav, Shri Ramji Lal
Yadav, Shri Sharad
Yadav, Shri Vinayak Prasad
Yadva, Shri Roop Nath Singh
Yadvendra Dutt, Shri
Yuvraj, Shri

MR. SPEAKER: Subject to correction, the result* of the division is: Ayes 5; Noes 350.† The noes have it, the noes have it.

The motion was negatived.

MR. SPEAKER: Amendment No. 312. Shri Sushil Kumar Dhara.

SHRI SUSHIL KUMAR DHARA: I am not pressing.

MR. SPEAKER: Has he the leave of the House to withdraw his amendment?

SOME HON. MEMBERS: Yes.

Amendment No. 312 was, by leave, withdrawn.

Clause 14

MR. SPEAKER: Amendment Nos. 40 and 41. Shri Parulekar.

SHRI BAPUSAHEB PARULEKAR (Ratnagiri): I am not pressing.

MR. SPEAKER: Has he the leave of the House to withdraw his amendments?

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*The following Members also record ed their votes for NOES:—

Madhav Prasad Tripathi, R. K. Mhal gi, Rajendra Kumar Sharma, Syed Kazim Ali Meerza, Roop Lal Somani, Govinda Munda, Mahi Lal, Anant Ram Jaiswal, D. Amat, A. Muruges an, S. Ramaswamy, P. Rajagopal Naidu, Shrikrishna Singh, Pattabhi Rama Rao and Dr. Bijoy Mondal.

†The number of Members who ac tually recorded their votes for NOES through the Automatic Vote Record ing Machine was 351.

SOME HON. MEMBERS: Yes.

Amendments Nos. 40 and 41 were, by leave, withdrawn.

MR. SPEAKER: Amendment No. 65. Shri A. K. Roy.

SHRI A. K. ROY (Dhanbad): I am not pressing.

MR. SPEAKER: Has he the leave of the House to withdraw his amendment?

SEVERAL HON. MEMBERS: Yes.

Amendment No. 65 was, by leave, withdrawn.

MR. SPEAKER: I put amendment No. 164 to the House.

Amendment No. 164 was put and negatived.

MR. SPEAKER: Amendment No. 251. Shri Vinayak Prasad Yadav.

SHRI VINAYAK PRASAD YADAV (Saharsa): I am not pressing.

MR. SPEAKER: Has he the leave of the House to withdraw his amendment?

SEVERAL HON. MEMBERS: Yes.

Amendment No. 251 was, by leave, withdrawn.

MR. SPEAKER: Amendment No. 291. Shri Hukmdeo Narain Yadav.

SHRI HUKMDEO NARAIN YADAV (Madhubani): I am not pressing.

MR. SPEAKER: Has he the leave of the House to withdraw his amendment?

SEVERAL HON. MEMBERS: Yes.

Amendment No. 291 was, by leave, withdrawn.

MR. SPEAKER: Amendments Nos. 313 and 314. Shri Sushil Kumar Dhara.

SHRI SUSHIL KUMAR DHARA (Tamluk): I am not pressing.

MR. SPEAKER: Has he the leave of the House to withdraw his amendment?

HON. MEMBERS: Yes.

Amendment Nos. 313 and 314 were, by leave, withdrawan.

Clause 15

MR. SPEAKER: I put Amendment No. 66 to the House.

Amendment No. 66 was put and negatived.

MR. SPEAKER: Amendment No. 98. Shri Faleiro is absent. I put Amendment No. 98 to the House.

Amendment No. 98 was put and negatived.

MR. SPEAKER: Now, we come to Government amendment No. 205. The question is:

Page 4, line 31,—

for "Forty-fifth" *substitute* "Forty-fourth" (205)

The motion was adopted.

MR. SPEAKER: Amendment No. 239. Shri Kanwarlal Gupta is absent. I put the amendment to the House.

Amendment No. 239 was put and negatived.

MR. SPEAKER: Now I come to amendment No. 260, moved by Shri Ram Jethmalani. Is he pressing it?

SHRI RAM JETHMALANI: No.

MR. SPEAKER: Has the hon. Member the leave of the House to withdraw his amendment?

SEVERAL HON. MEMBERS: Yes.

Amendment No. 260 was, by leave, withdrawn.

Clause 17

MR. SPEAKER: There are no amendments to clause 16. We will now

come to clause 17. There is amendment No. 42 by Shri Parulekar. Is he pressing it?

SHRI BAPUSAHEB PARULEKAR: I want to withdraw it.

MR. SPEAKER: Has the hon. Member the leave of the House to withdraw his amendment?

SEVERAL HON. MEMBERS: Yes.

Amendment No. 42 was, by leave, withdrawn.

MR. SPEAKER: Amendment No. 107 is by Shri Saugat Roy. He is not present here. I will put it to the vote of the House.

Amendment No. 107 was put and negatived.

MR. SPEAKER: Amendment No. 174 is by Shri Mhalgi. Is he pressing it?

SHRI R. K. MHALGI: I want to withdraw it.

MR. SPEAKER: Has the hon. Member the leave of the House to withdraw it?

SEVERAL HON. MEMBERS: Yes.

Amendment No. 174 was, by leave, withdrawn.

Clause 19

MR. SPEAKER: To clause 18 there are no amendments. We will now take up clause 19. There is amendment No. 261 by Shri Ram Jethmalani. Is he withdrawing it?

SHRI RAM JETHMALANI: Yes, I am withdrawing it.

MR. SPEAKER: Has the hon. Member the leave of the House to withdraw it?

SEVERAL HON. MEMBERS: Yes.

Amendment No. 261 was, by leave, withdrawn.

Clause 21

MR. SPEAKER: To clause 20 there are no amendments. To clause 21 there is one amendment No. 361 by Shri Anant Dave. Is he pressing it?

SHRI ANANT DAVE: I want to withdraw it.

MR. SPEAKER: Has the hon. Member the leave of the House to withdraw it?

SEVERAL HON. MEMBERS: Yes.

Amendment No. 361 was, by leave, withdrawn.

SHRI SHANTI BHUSHAN: Sir, I want to press my amendment No. 366.

MR. SPEAKER: The question is:

Page 5,—

after line 31, *insert*—

"Provided that the Supreme Court may after determining the said questions of law return any case so withdrawn together with a copy of its judgment on such questions to the High Court from which the case has been withdrawn, and the High Court shall on receipt thereof, proceed to dispose of the case in conformity with such judgment." (366)

The motion was adopted.

Clause 22

MR. SPEAKER: To clause 22 there is one amendment, No. 149 by Shri Narendra P. Nathwani. Is he pressing it?

SHRI PRASANNBHAI MEHTA: Sir, I am authorized by Shri Nathwani to deal with this.

SHRI SHANTI BHUSHAN: I am accepting that amendment.

MR. SPEAKER: The question is:

Page 5, line 33,—

for "with the concurrence of" *substitute*—

"on the advice of" (149)

The motion was adopted.

Clause 25

MR. SPEAKER: There are no amendments to clauses 23 and 24. We will now take clause 25. There are amendment Nos. 43 and 44 by Shri Parulekar. Is he pressing them?

SHRI BAPUSAHEB PARULEKAR: I want to withdraw them.

MR. SPEAKER: Has the hon. Member the leave of the House to withdraw them?

SEVERAL HON. MEMBERS: Yes.

Amendments Nos. 43 and 44 were, by leave, withdrawn.

MR. SPEAKER: Amendment No. 120 by Shri Dajiba Desai, is he pressing it?

SHRI DAJIBA DESAI: I want to withdraw it.

MR. SPEAKER: Has the hon. Member the leave of the House to withdraw it?

SEVERAL HON. MEMBERS: Yes.

Amendment No. 120 was, by leave, withdrawn.

MR. SPEAKER: Amendment No. 362 by Shri Anant Dave, is he pressing it?

SHRI ANANT DAVE: I want to withdraw it.

MR. SPEAKER: Has the hon. Member the leave of the House to withdraw it?

SEVERAL HON. MEMBERS: Yes.

Amendment No. 362 was, by leave, withdrawn.

Clause 26

MR. SPEAKER: Then we come to clause 26. There is Government Amendment No. 206. The question is:

"Page 6, line 39,—

for "Forty-fifth" *substitute* "Forty-fourth" (206)

The motion was adopted.

MR. SPEAKER: Amendment No. 262 by Shri Ram Jethmalani, is he pressing it?

SHRI RAM JETHMALANI: I want to withdraw it.

MR. SPEAKER: Has the hon. Member the leave of the House to withdraw it?

SEVERAL HON. MEMBERS: Yes.

Amendment No. 262 was, by leave, withdrawn.

Clause 31

MR. SPEAKER: There are no amendments to clauses 27, 28, 29 and 30. To clause 31 there is one amendment by Shri Anant Dave, No. 363. Is he pressing it?

SHRI ANANT DAVE: I want to withdraw it.

MR. SPEAKER: Has the hon. Member the leave of the House to withdraw it?

SEVERAL HON. MEMBERS: Yes.

Amendment No. 363 was, by leave, withdrawn.

Clause 32

MR. SPEAKER: To clause 32 there is amendment No. 71 by Shri A. K. Roy.

SHRI A. K. ROY: I am pressing it.

MR. SPEAKER: I will put it to the vote of the House.

Amendment No. 71 was put and negatived.

Clause 33

MR. SPEAKER: To clause 33 there is Amendment No. 183 by Shri Shambhu Nath Chaturvedi. Is he pressing it?

SHRI SHAMBHU NATH CHATURVEDI: I want to withdraw it.

MR. SPEAKER: Has the hon. Member the leave of the House to withdraw it?

SEVERAL HON. MEMBRES: Yes.

Amendment No. 183 was, by leave, withdrawn.

Clause 34

MR. SPEAKER: To clause 34 there is amendment No. 226 by Shri Saugata Roy. I will put it to the vote of the House.

Amendment No. 226 was put and negatived.

MR. SPEAKER: There is amendment No. 241 by Shri Kanwar Lal Gupta. Is he pressing it?

SHRI KANWAR LAL GUPTA: I want to withdraw it.

MR. SPEAKER: Has the hon. Member the leave of the House to withdraw it?

SEVERAL HON. MEMBERS: Yes.

Amendment No. 241 was, by leave, withdrawn.

MR. SPEAKER: What about amendment Nos. 284 and 285 by Shri Kamath?

SHRI HARI VISHNU KAMATH: They are verbal amendments. I would not press them.

MR. SPEAKER: Has the hon. Member the leave of the House to withdraw them?

SEVERAL HON. MEMBERS: Yes.

Amendments Nos. 284 and 285 were, by leave, withdrawn.

MR. SPEAKER: What about amendment No. 317 by Shri Sushil Kumar Dhara?

SHRI SUSHIL KUMAR DHARA: I want to withdraw it.

MR. SPEAKER: Has the hon. Member the leave of the House to withdraw it?

SEVERAL HON. MEMBERS: Yes.

Amendment No. 317 was, by leave, withdrawn.

MR. SPEAKER: Amendment No. 398 is by Shri Raghavji. Is he pressing it?

SHRI RAGHAVJI: I want to withdraw it.

MR. SPEAKER: Has the hon. Member the leave of the House to withdraw it?

SEVERAL HON. MEMBRES: Yes.

Amendment No. 398 was, by leave, withdrawn.

MR. SPEAKER: There are two amendments, Nos. 410 and 411 by Prof. Mavalankar. Is he pressing them?

PROF. P. G. MAVALANKAR: I am pressing Amendment No. 411.

MR. SPEAKER: Has the hon. Member the leave of the House to withdraw Amendment No. 410?

SEVERAL HON. MEMBERS: Yes.

Amendment No. 410 was, by leave, withdrawn.

MR. SPEAKER: Now, I put Amendment No. 411 to Clause 34 moved by Prof. P. G. Mavalankar to the vote of the House.

The question is:

Page 8, line 24—

add at the end—

"and save for public purpose and social good" (411)

The Lok Sabha divided:

Division No. 12] **[17.37 hrs.**

AYES

Avari, Shri Gev M.

Banatwalla, Shri G. M.

Chikkalingiah, Shri K.

Deo, Shri P. K.

*Fazlur Rahman, Shri
Gotkhinde, Shri Annasaheb
Kolur, Shri Rajshekhar
Kunhambu, Shri K.
Mane, Shri Rajaram Shankarrao
Mavalankar, Prof. P. G.
Mirdha, Shri Nathu Ram
Naik, Shri V. P.
Rao, Shri J. Rameshwar
Reddy, Shri G. Narsimha

NOES

Abdul Lateef, Shri
Agrawal, Shri Satish
Ahuja, Shri Subhash
Alagesan, Shri O. V.
Alhaj, Shri M. A. Hannan
Amat, Shri D.
Amin, Prof. R. K.
Ansari, Shri Faquir Ali
Arif Beg, Shri
Arunachalam *alias* '*Aladi* Aruna', Shri V.
Asokaraj, Shri A.
Austin, Dr. Henry
Bagri, Shri Mani Ram
Bahuguna, Shri H. N.
Bahuguna, Shrimati Kamala
Bairagi, Shri Jena
Bal, Shri Pradyumna
Balak Ram, Shri
Balbir Singh, Chowdhry
Baldev Prakash, Dr.
Barakataki, Shrimati Renuka Devi
Barnala, Shri Surjit Singh
Barrow, Shri A. E. T.
Basappa, Shri Kondajji
Bateshwar Hemram, Shri
Berwa, Shri Ram Kanwar
Bhanwar Shri Bhagirath
Bharat Bhushan, Shri
Birendra Prasad, Shri
Borole, Shri Yashwant
Brahm Perkash, Chaudhury
Brij Raj Singh, Shri
Burman, Shri Kirit Bikram Deb
Chakravarty, Prof. Dilip
Chand Ram, Shri
Chandan Singh, Shri
Chandra Shekhar, Shri
Chandra Shekhar Singh, Shri
Chandra Pal Singh, Shri
Chandrappan, Shri C. K.
Chandravati, Shrimati
Chaturbhuj, Shri
Chaturvedi, Shri Shambhu Nath
Chaudhary, Shri Motibhai R.
Chaudhry, Shri Ishwar
Chaudhury, Shri Rudra Sen
Chauhan, Shri Nawab Singh
Chavan, Shri Yeshwantrao
Chavda, Shri K. S.
Chhetri, Shri Chhatra Bahadur
Choudhari, Shri K. B.
Chowhan, Shri Bharat Singh
Chunder, Dr Pratap Chandra
Dandavate, Prof. Madhu
Danwe, Shri Pundalik Hari
Das, Shri S. S.
Dasgupta, Shri K. N.
Dave, Shri Anant
Dawn, Shri Raj Krishna
Desai, Shri Dajiba
Desai, Shri Hitendra
Desai, Shri Morarji
Deshmukh, Shri Nanaji
Deshmukh, Shri Ram Prasad
Deshmukh, Shri Sheshrao
Dhandayuthapani, Shri V.
Dhara, Shri Sushil Kumar
Dhillon, Shri Iqbal Singh
Digvijoy Narain Singh, Shri

*Wrongly voted for AYES.

Durga Chand, Shri
Dutt, Shri Asoke Krishna

Elanchezhian, Shri V. S.
Engti, Shri Biren
Fernandes, Shri George

Ganga Bhakt Singh, Shri
Ganga Singh, Shri
Gattani, Shri R. D.
Gawai, Shri D. G.
Ghosal, Shri Sudhir
Godara, Ch. Hari Ram Makkasar
Gode, Shri Santoshrao
Gore, Shrimati Mrinal
Gowda, Shri S. Nanjesna
Goyal, Shri Krishna Kumar
Guha, Prof. Samar
Gulshan, Shri Dhanna Singh
Gupta, Shri Kanwar Lal

Hande, Shri V. G.
Haren Bhumij, Shri
Hazari, Shri Ram Sewak
Heera Bhai, Shri
Hukam Ram, Shri

Inder Singh, Shri

Jagannathan, Shri S.
Jagjivan Ram, Shri
Jain, Shri Kacharulal Hemraj
Jain, Shri Kalyan
Jain, Shri Nirmal Chandra
Jaiswal, Shri Anant Ram
Jasrotia, Shri Baldev Singh
Jethmalani, Shri Ram
Joshi, Dr. Murli Manohar

Kachwai, Shri Hukam Chand
Kaiho, Shri
Kailash Prakash, Shri
Kakade, Shri Sambhajirao
Kaldate, Dr. Bapu
Kapoor, Shri L. L.
Kar, Shri Sarat
Karan Singh, Dr.
Kasar, Shri Amrut
Kaushik, Shri Purushottam
Khalsa, Shri Basant Singh
Khan, Shri Ghulam Mohammad
Khan, Shri Ismail Hossain
Khan, Shri Kunwar Mahmud Ali
Khrime, Shri Rinching Khandu
Kishore Lal, Shri
Krishan Kant, Shri
Kundu, Shri Samarendra
Kureel, Shri Jwala Prasad
Kureel, Shri R. L.

Lakshminarayanan, Shri M. R.
Lalu Prasad, Shri
Limaye, Shri Madhu

Machand, Shri Raghubir Singh
Mahala, Shri K. L.
Mahale, Shri Hari Shankar
Mahi Lal, Shri
Mahishi, Dr. Sarojini
Maiti, Shrimati Abha
Malhotra, Shri Vijay Kumar
Malik, Shri Mukhtiar Singh
Mallick, Shri Rama Chandra
Mandal, Shri B. P.
Mandal, Shri Dhamk Lal
Mangal Deo, Shri
Mankar, Shri Laxman Rao
Manohar Lal, Shri
Mathur, Shri Jagdish Prasad
Meerza, Shri Syed Kazim Ali
Mehta, Shri Prasannabhai
Mhalgi, Shri R. K.
Miri, Shri Govind Ram
Mishra, Shri Janeshwar
Mishra, Shri Shyamnandan
Mohd. Hayat Ali, Shri
Mohinder Singh, Shri
Mondal, Dr. Bijoy
Mritunjay Prasad, Shri
Multan Singh, Chaudhary
Munda, Shri Govinda
Munda, Shri Karia

Murugesan, Shri A.

Nahar, Shri Bijoy Singh
Nair, Shri M. N. Govindan
Narayana, Shri K. S.
Narendra Singh, Shri
Nathu Singh, Shri
Nayak, Shri Laxmi Narain
Nayar, Dr. Sushila
Negi, Shri T. S.

Onkar Singh, Shri
Oraon, Shri Lalu

Pandey, Shri Ambika Prasad
Pandeya, Dr. Laxminarayan
Pandit, Dr. Vasant Kumar
Parmai Lal, Shri
Parmar, Shri Natwarlal B.
Parthasarathy, Shri P.
Parulekar, Shri Babusaheb
Paswan, Shri Ram Vilas
Patel, Shri Dharmasinhbhai
Patel, Shri Dwarikadas
Patel, Km. Maniben Vallabhbhai
Patel, Shri Meetha Lal
Patidar, Shri Rameshwar
Patil, Shri Chandrakant
Patil, Shri D. B.
Patil, Shri S. D.
Patnaik, Shri Biju
Patwary, Shri H. L.
Periasamy, Dr. P. V.
Pertin, Shri Bakin
Phirangi Prasad, Shri
Pipil, Shri Mohan Lal
Pradhan, Shri Pabitra Mohan

Qureshi, Shri Mohd. Shafi

Raghavji, Shri
Raghu Ramaiah, Shri K.
Rahi, Shri Ram Lal
Rai, Shri Gauri Shankar
Rai, Shri Narmada Prasad
Rai, Shri Shiv Ram
Raj Keshar Singh, Shri
Raj Narain, Shri
Rajda, Shri Ratansinh
Rakesh, Shri R. N.
Ram, Shri R. D.
Ram Charan, Shri
Ram Dhan, Shri
Ram Gopal Singh, Chaudhury
Ram Kishan, Shri
Ram Murti, Shri
Ram Sagar, Shri
Ramachandran, Shri P.
Ramalingam, Shri P. S.
Ramapati Singh, Shri
Ramji Singh, Dr.
Ramjiwan Singh, Shri
Ramoowalia, Shri Balwant Singh
Ranjit Singh, Shri
Rasheed Masood, Shri
Rathor, Dr. Bhagwan Dass
Ravindra Pratap Singh, Shri
Rodrigues, Shri Rudolph
Rothuama, Dr. R.

Saeed Murtaza, Shri
Sahoo, Shri Ainthu
Sai, Shri Larang
Sai, Shri Narhari Prasad
Saini, Shri Manohar Lal
Samantasinhera, Shri Padmacharan
Saran, Shri Daulat Ram
Sarangi, Shri R. P.
Sarda, Shri S. K.
Sarkar, Shri S. K.
Sarsonia, Shri Shiv Narain
Satapathy, Shri Devendra
Satya Deo Singh, Shri
Sayian Wala, Shri Mohinder Singh
Sen, Shri Prafulla Chandra
Shah, Shri D. P.
Shah, Shri Surath Bahadur
Shaiza, Shrimati Rano M.
Shakya, Dr. Mahadeepak Singh
Shanti Devi, Shrimati
Sharma, Shri Jagannath

Sharma, Shri Rajendra Kumar
Sharma, Shri Yagya Datt
Shastri, Shri Bhanu Kumar
Shastri, Shri Ram Dhari
Shastri, Shri Y. P.
Shejwalkar, Shri N. K.
Sheo Narain, Shri
Sher Singh, Prof.
Sheth, Shri Vinodbhai B.
Shiv Sampathi Ram, Shri
Shrangare, Shri T. S.
Shrikrishna Singh, Shri
Shukla, Shri Madan Lal
Sikander Bakht, Shri
Singh, Dr. B. N.
Singha, Shri Sachindralal
Sinha, Shri C. M.
Sinha, Shri H. L. P.
Sinha, Shri M. P.
Sinha, Shri Purnanarayan
Sinha, Shri Satyendra Narayan
Somani, Shri Roop Lal
Somani, Shri S. S.
Somasundaram, Shri S. D.
Sukhendra Singh, Shri
Suman, Shri Ramji Lal
Suman, Shri Surendra Jha
Suraj Bhan, Shri
Surya Narain Singh, Shri
Swamy, Dr. Subramaniam
Swatantra, Shri Jagannath Prasad
Talwandi, Shri Jagdev Singh
Tan Singh, Shri
Tej Pratap Singh, Shri
Thakur, Shri Aghan Singh
Tiwari, Shri Brij Bhushan
Tiwary, Shri D. N.
Tiwary, Shri Madan
Tohra, Shri G. S.
Tombi Singh, Shri N.
Tripathi, Shri Madhav Prasad
Tripathi, Shri Ram Prakash
Tulsiram, Shri V.
Tur, Shri Mohan Singh
Tyagi, Shri Om Prakash
Ugrasen, Shri
Vajpayee, Shri Atal Bihari
Varma, Shri Ravindra
Vasisht, Shri Dharma Vir
Verma, Shri Brijlal
Verma, Shri Hargovind
Verma, Shri R. L. P.
Verma, Shri Sukhdeo Prasad
Yadav, Shri Hukmdeo Narain
Yadav, Shri Jagdambi Prasad
Yadav, Shri Narsingh
Yadav, Shri Ramji Lal
Yadav, Shri Sharad
Yadav, Shri Vinayak Prasad
Yadava, Shri Roop Nath Singh
Yadvendra Dutt, Shri
Yuvraj, Shri

MR. SPEAKER: Subject to correction, the result* of the Division is:

Ayes: 14;

Noes: 300.

The motion was negatived

MR. SPEAKER: Clause 35; no amendment.

Clause 36, no amendment. Clause 37, no amendment. Clause 38.

Clause 38

MR. SPEAKER: Amendment No. 14, moved by Shri Somnath Chatterjee....

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*The following Members also recorded their votes:—

AYES: Shri Hari Vishnu Kamath

NOES: Sarvashri Ram Kinkar, Ram Naresh Kushwaha, Hrikesh Bahadur, S. Ramaswamy, P. Anbalagan, Nanasahib Bonde and Fazlur Rahman.

SHRI SOMNATH CHATTERJEE: I am pressing it.

MR. SPEAKER: I shall now put Amendment No. 14 to the vote of the House.

The question is:

Pages 8 and 9,--

for lines 31 to 33 and 1 to 8 respectively, *substitute*—

'(a) in clause (1), the words "or internal disturbance" shall be omitted.'(14)

The Lok Sabha divided

Division No. 13] **[17.43 hrs.**

AYES

Ahsan Jafri, Shri
Alagesan, Shri O. V.
Ankineedu, Shri Maganti
Ankineedu Prasada Rao, Shri
Arunachalam, Shri M.
Austin, Dr. Henry
Avari, Shri Gev. M.

Banatwalla, Shri G. M.
Barman, Shri Palas
Barrow, Shri A. E. T.
Barua, Shri Bedabrata
Basu, Shri Chitta
Basu, Shri Dhirendranath
Bhakta, Shri Manoranjan
Bhattacharya, Shri Dinen
Bhattacharyya, Shri Shyamaprasanna
Bheeshma Dev, Shri M.
Borooah, Shri D. K.
Bosu, Shri Jyotirmoy
Burande, Shri Gangadhar Appa
Burman, Shri Kirit Bikram Deb

Chandrappan, Shri C. K.
Chatterjee, Shri Somnath
Chaudhuri, Shri Tridib
Chavan, Shrimati P.
Chavan, Shri Yeshwantrao
Chettri, Shri K. B.
Chikkalingiah, Shri K.
Choudhari, Shri K. B.

Deabhi, Shri Ajitsinh
Damor, Shri Somjibhai
Das, Shri R. P.
Desai, Shri Dajiba
Deshmukh, Shri Sheshrao
Devarajan, Shri B.
Doley, Shri L. K.
Engti, Shri Biren

Gamit, Shri Chhitubhai
Gode, Shri Santoshrao
Gogoi, Shri Tarun
Gopal, Shri K.

Goswami, Shrimati Bibha Ghosh
Gotkhinde, Shri Annasaheb

Hande, Shri V. G.
Haren Bhumij, Shri

Jeyalakshmi, Shrimati V.

Kadam, Shri B. P.
Kadannappalli, Shri Ramachandran
Kamakshaiah, Shri D.
Karan Singh, Dr.
Khan, Shri Ismail Hossain
Kidwai, Shrimati Mohsina
Kisku, Shri Jadunath
Kodiyan, Shri P. K.
Kolur, Shri Rajshekhar
Krishnan, Shrimati Parvathi
Kunhambu, Shri K.

Lahanu Shidava Kom, Shri
Lakshminarayanan, Shri M. R.
Laskar, Shri Nihar

Mahata, Shri C. R.
Mandal, Shri Mukunda
Mirdha, Shri Nathu Ram
Mishra, Shri G. S.
Modak, Shri Bijoy
Mukherjee, Shri Samar

Murthy, Shri M. V. Chandrashekhara
Murugaiyan, Shri S. G.
Naidu, Shri P. Rajagopal
Naik, Shri S. H.
Naik, Shri V. P.
Nair, Shri B. K.
Nair, Shri M. N. Govindan
Narayana, Shri K. S.
Patel, Shri Dwarikadas
Patil, Shri D. B.
Patil, Shri Vijaykumar N.
Patnaik, Shri Sivaji
Poojary, Shri Janardhana
Pradhan, Shri Amar Roy
Pradhani, Shri K.
Pullaiah, Shri Darur
Qureshi, Shri Mohd. Shafi
Rachaiah, Shri B.
Rajan, Shri K. A.
Raju, Shri P. V. G.
Ramamurthy, Shri K.
Rangnekar, Shrimati Ahilya P.
Rao, Shrimati B. Radhabai Ananda
Rao, Shri J. Rameshwar
Rao, Shri Pattabhi Rama
Reddi, Shri G. S.
Reddy, Shri G. Narsimha
Reddy, Shri K. Obul
Reddy, Shri M. Ram Gopal
Roy, Shri A. K.
Roy, Dr. Saradish
Roy, Shri Saugata
Shah, Shri A. K.
Shah, Shri Gadadhar
Sanyal, Shri Sasankasekhar
Sathe, Shri Vasant
Sen, Shri Robin
Seyid Muhammad, Dr. V. A.
Shankar Dev, Shri
Stephen, Shri C. M.
Sudheeran, Shri V. M.
Sunna Sahib, Shri A.
Thakur, Shri Krishnarao
Thorat, Shri Bhausaheb
Tirkey, Shri Pius
Tombi Singh, Shri N.
Tulsiram, Shri V.
Veerabhadrappa, Shri K. S.
Venkataraman, Shri R.
Venkatareddy, Shri P.
Venkatasubbaiah, Shri P.

NOES

Abdul Lateef, Shri
Agrawal, Shri Satish
Ahuja, Shri Subhash
Alhaj, Shri M. A. Hannan
Amat, Shri D.
Amin, Prof. R. K.
Anbalagan, Shri P.
Ansari, Shri Faquir Ali
Arif Beg, Shri
Arunachalam alias 'Aladi Aruna', Shri V.
Asokaraj, Shri A.
Bagri, Shri Mani Ram
Bahuguna, Shri H. N.
Bahuguna, Shrimati Kamala
Bairagi, Shri Jena
Bal, Shri Pradyumna
Balak Ram, Shri
Balbir Singh, Chowdhry
Baldev Prakash, Dr.
Barakataki, Shrimati Renuka Devi
Barnala, Shri Surjit Singh
Basappa, Shri Kondajji
Bateshwar Hemram, Shri
Berwa, Shri Ram Kanwar
Bharat Bhushan, Shri
Birendra Prasad, Shri
Borole, Shri Yeshwant
Brahm Perkash, Chaudhury
Brij Raj Singh, Shri
Chakravarty, Prof. Dilip
Chand Ram, Shri
Chandan Singh, Shri

Chandra Shekhar, Shri
Chandra Shekhar Singh, Shri
Chandra Pal Singh, Shri
Chaturbhuj, Shri
Chaturvedi, Shri Shambhu Nath
Chaudhary, Shri Motibhai R.
Chaudhry, Shri Ishwar
Chaudhury, Shri Rudra Sen
Chauhan, Shri Nawab Singh
Chavda, Shri K. S.
Chhetri, Shri Chhatra Bahadur
Chowhan, Shri Bharat Singh
Chunder, Dr. Pratap Chandra

Dandavate, Prof. Madhu
Danwe, Shri Pundalik Hari
Das, Shri S. S.
Dasgupta, Shri K. N.
Dave, Shri Anant
Dawn, Shri Raj Krishna
Desai, Shri Hitendra
Desai, Shri Morarji
Deshmukh, Shri Ram Prasad
Dhandayuthapani, Shri V.
Dhara, Shri Sushil Kumar
Dhillon, Shri Iqbal Singh
Digvijoy Narain Singh, Shri
Durga Chand, Shri
Dutt, Shri Asoke Krishna

Elanchezhian, Shri V. S.
Faleiro, Shri Eduardo

Fazlur Rahman, Shri
Fernandes, Shri George
Ganga Bhakt Singh, Shri
Ganga Singh, Shri
Gattani, Shri R. D.
Gawai, Shri D. G.
Ghosal, Shri Sudhir
Godara, Ch. Hari Ram Makkasar
Gore, Shrimati Mrinal
Gowda, Shri S. Nanjesha
Goyal, Shri Krishna Kumar
Guha, Prof. Samar
Gulshan, Shri Dhanna Singh
Gupta, Shri Kanwar Lal

Harikesh Bahadur, Shri
Hazari, Shri Ram Sewak
Heera Bhai, Shri
Hukam Ram, Shri
Inder Singh, Shri
Jagannathan, Shri S.
Jagjivan Ram, Shri
Jain, Shri Kacharulal Hemraj
Jain, Shri Kalyan
Jain, Shri Nirmal Chandra
Jaiswal, Shri Anant Ram
Jasrotia, Shri Baldev Singh
Jethmalani, Shri Ram
Joshi, Dr. Murli Manohar

Kakade, Shri Sambhajirao
Kaiho, Shri
Kailash Prakash, Shri
Kadade, Shri Sambhajirao
Kaldate, Dr. Bapu
Kamath, Shri Hari Vishnu
Kapoor, Shri L. L.
Kar, Shri Sarat
Kasar, Shri Amrut
Kaushik, Shri Purushottam
Khalsa, Shri Basant Singh
Khan, Shri Ghulam Mohammad
Khan, Shri Kunwar Mahmud Ali
Khrime, Shri Rinching Khandu
Kishore Lal, Shri
Krishan Kant, Shri
Kundu, Shri Samarendra
Kureel, Shri Jwala Prasad
Kureel, Shri R. L.
Kushwaha, Shri Ram Naresh
Lal, Shri S. S.
Lalu Prasad, Shri
Limaye, Shri Madhu
Lyngdoh, Shri Hopingstone
Machhand, Shri Raghubir Singh
Mahala, Shri K. L.
Mahale, Shri Hari Shankar

Mahi Lal, Shri
Mahishi, Dr. Sarojini
Maiti, Shrimati Abha
Malhotra, Shri Vijay Kumar
Malik, Shri Mukhtiar Singh
Mallick, Shri Rama Chandra
Mandal, Shri B. P.
Mandal, Shri Dhanik Lal
Mangal Deo, Shri
Mankar, Shri Laxman Rao
Manohar Lal, Shri
Mathur, Shri Jagdish Prasad
Meerza, Shri Syed Kazim Ali
Mehta, Shri Prasannbhai
Mhalgi, Shri R. K.
Miri, Shri Govind Ram
Mishra, Shri Janeshwar
Mishra, Shri Shyamnandan
Mohinder Singh, Shri
Mondal, Dr. Bijoy
Mritunjay Prasad, Shri
Multan Singh, Chaudhary
Munda, Shri Karia
Murugesan, Shri A.

Nahar, Shri Bijoy Singh
Nahata, Shri Amrit
Narendra Singh, Shri
Nathu Singh, Shri
Nayak, Shri Laxmi Narain
Nayar, Dr. Sushila
Negi, Shri T. S.

Onkar Singh, Shri

Oraon, Shri Lalu

Pandey, Shri Ambika Prasad
Pandeya, Dr. Laxminarayan
Pandit, Dr. Vasant Kumar
Parmal Lal, Shri
Parmar, Shri Natwarlal B.
Parthasarathy, Shri P.
Parulekar, Shri Bapusaheb
Paswan, Shri Ram Vilas
Patel, Shri Dharmasinhbhai
Patel, Km. Maniben Vallabhbhai
Patel, Shri Meetha Lal
Patidar, Shri Rameshwar
Patil, Shri Chandrakant
Patil, Shri S. D.
Patnaik, Shri Biju
Patwary, Shri H. L.
Periasamy, Dr. P. V.
Phirangi Prasad, Shri
Pipil, Shri Mohan Lal
Pradhan, Shri Pabitra Mohan

Raghavendra Singh, Shri
Raghaviji, Shri
Raghu Ramaiah, Shri K.
Rahi, Shri Ram Lal
Rai, Shri Gauri Shankar
Rai, Shri Narmada Prasad
Rai, Shri Shiv Ram
Raj Narain, Shri
Rajda, Shri Ratansinh
Rakesh, Shri R. N.
Ram, Shri R. D.
Ram Charan, Shri
Ram Dhan, Shri
Ram Gopal Singh, Chaudhury
Ram Kinkar, Shri
Ram Kishan, Shri
Ram Murti, Shri
Ram Sagar, Shri
Ramachandran, Shri P.
Ramalingam, Shri P. S.
Ramapati Singh, Shri
Ramaswamy, Shri S.
Ramji Singh, Dr.
Ramjiwan Singh, Shri
Ramoowalia, Shri Balwant Singh
Ranjit Singh, Shri
Rasheed Masood, Shri
Rathor, Dr. Bhagwan Dass
Ravindra Pratap Singh, Shri
Rodrigues, Shri Rudolph
Rothuama, Dr. R.

Saeed Murtaza, Shri
Sahoo, Shri Ainthu
Sai, Shri Larang
Sai, Shri Narhari Prasad Sukhdeo
Saini, Shri Manohar Lal
Samantasinhera, Shri Padmacharan
Saran, Shri Daulat Ram
Sarangi, Shri R. P.
Sarda, Shri S. K.
Sardar, Shri Mahendra Narayan
Sarkar, Shri S. K.
Sarsonia, Shri Shiv Narain
Satapathy, Shri Devendra
Satya Deo Singh, Shri
Sayian Wala, Shri Mohinder Singh
Sen, Shri Prafulla Chandra
Shah, Shri D. P.
Shaiza, Shrimati Rano M.
Shakya, Dr. Mahadeepak Singh
Shanti Devi, Shrimati
Sharma, Shri Jagannath
Sharma, Shri Rajendra Kumar
Sharma, Shri Yagya Datt
Shastri, Shri Bhanu Kumar
Shastri, Shri Ram Dhari
Shejwalkar, Shri N. K.
Sheo Narain, Shri
Sher Singh, Prof.
Sheth, Shri Vinodbhai B.
Shiv Sampati Ram, Shri
Shrikrishna Singh, Shri
Shukla, Shri Madan Lal
Sikander Bakht, Shri
Singh, Dr. B. N.
Singha, Shri Sachindralal
Sinha, Shri C. M.
Sinha, Shri H. L. P.
Sinha, Shri M. P.
Sinha, Shri Purnanarayan
Sinha, Shri Satyendra Narayan
Somani, Shri Roop Lal
Somani, Shri S. S.
Sukhendra Singh, Shri
Suman, Shri Ramji Lal
Suman, Shri Surendra Jha
Suraj Bhan, Shri
Surya Narain Singh, Shri
Swamy, Dr. Subramaniam
Swatantra, Shri Jagannath Prasad

Talwandi, Shri Jegdev Singh
Tan Singh, Shri
Thakur, Shri Aghan Singh
Tiwari, Shri Brij Bhushan
Tiwary, Shri D. N.
Tiwary, Shri Madan
Tohra, Shri G. S.
Tripathi, Shri Madhav Prasad
Tripathi, Shri Ram Prakash
Tur, Shri Mohan Singh
Tyagi, Shri Om Prakash

Ugrasen, Shri

Vajpayee, Shri Atal Bihari
Varma, Shri Ravindra
Vasisth, Shri Dharma Vir
Verma, Shri Brijlal
Verma, Shri Hargovind
Verma, Shri R. L. P.
Verma, Shri Sukhdeo Prasad

Yadav, Shri Hukmdeo Narain
Yadav, Shri Jagdambi Prasad
Yadav, Shri Ramji Lal
Yadav, Shri Sharad
Yadav, Shri Vinayak Prasad
Yadava, Shri Roop Nath Singh
Yadvendra Dutt, Shri
Yuvraj, Shri

MR. SPEAKER: Subject to correction, the result* of the Division is: Ayes—117; Noes—277.

The motion was negatived.

MR. SPEAKER: Mr. Somnath Chatterjee, your amendment No. 15 is a consequential amendment. Therefore, it goes.

Now, amendment No. 45 of Shri Parulekar is there.

SHRI BAPUSAHEB PARULEKAR: I want to withdraw my amendment.

Amendment No. 45 was, by leave, withdrawn.

MR. SPEAKER: I will now put amendment No. 99 of Mr. Faleiro to vote.

The question is:

Page 8,—

for lines 32 and 33, *substitute*—

'(i) the words "or internal disturbance" shall be omitted;' (99)

The Lok Sabha divided:

Division No. 14] **[17.46 hrs.**

AYES

Ahsan Jafri, Shri
Ankineedu Prasada Rao, Shri
Arunachalam, Shri M.
Austin, Dr. Henry
Avari, Shri Gev M.
Banatwalla, Shri G. M.
Basu, Shri Dhirendranath
Bhakta, Shri Manoranjan
Bhattacharya, Shri Dinen
Borooah, Shri D. K
Burman, Shri Kirit Bikram Deb
Chavan, Shri Yeshwantrao
Chettri, Shri K. B.
Choudhari, Shri K. B.
Damor, Shri Somjibhai
Desai, Shri Hitendra
Devarajan, Shri B.
Engti, Shri Biren
Faleiro, Shri Eduardo
Gamit, Shri Chhitubhai
Gode, Shri Santoshrao
Gogoi, Shri Tarun
Gomango, Shri Giridhar
Gopal, Shri K.
Gotkhinde, Shri Annasaheb
Halder, Shri Krishna Chandra
Haren Bhumij, Shri
Jeyalakshmi, Shrimati V.
Kadam, Shri B. P.
Kadannappalli, Shri Ramachandran
Kamakshaiah, Shri D.
Khan, Shri Ismail Hossain
Kidwai, Shrimati Mohsina
Kolur, Shri Rajshekhar
Kunhambu, Shri K.
Lakkappa, Shri K.
Lakshminarayanan, Shri M. R.
Laskar, Shri Nihar
Mirdha, Shri Nathu Ram
Mishra, Shri G. S.
Murthy, Shri M. V. Chandrashekhara
Naik, Shri S. H.
Naik, Shri V. P.
Nair, Shri B. K.
Narayana, Shri K. S.
Patel, Shri Dwarikadas
Patil, Shri Vijaykumar N.

*The following Members also recorded their votes:

AYES: Sarvashri Krishna Chandra Haider, Nanasahib Bonde, T. S. Shrangare and K. Lakkappa.

NOES: Sarvashri Zulfiquarullah, Tej Pratap Singh, Bhagirath Bhanwar, Govinda Munda, Nanaji Deshmukh, Raj Keshar Singh, Mohd. Hayat Ali and Shrimati Chandravati.

Pradhani, Shri K.
Pullaiah, Shri Darur

Qureshi, Shri Mohd. Shafi

Rachaiah, Shri B.
Baju, Shri P. V. G.
Rangnekar, Shrimati Ahilya P.
Rao, Shrimati B. Radhabai Ananda
Reddi, Shri G. S.

Reddy, Shri G. Narsimha
Reddy, Shri M. Ram Gopal
Roy, Shri Saugata
Sathe, Shri Vasant
Seyid Muhammad, Dr. V. A.
Shankar Dev, Shri
Shrangare, Shri T. S.
Stephen, Shri C. M.
Sudheeran, Shri V. M.
Sunna Sahib, Shri A.

Thakur, Shri Krishnarao
Thorat, Shri Bhausaheb
Tombi Singh, Shri N.
Tulsiram, Shri V.

Veerabhadrappa, Shri K. S.
Venkataraman, Shri R.
Venkatareddy, Shri P.
Venkatasubbaiah, Shri P.

NOES

Abdul Lateef, Shri
Ahuja, Shri Subhash
Alhaj, Shri M. A. Hannan
Amat, Shri D.
Amin, Prof. R. K.
Ansari, Shri Faquir Ali
Arif Beg, Shri

Bagri, Shri Mani Ram
Bahuguna, Shri H. N.
Bairagi, Shri Jena
Balak Ram, Shri
Balbir Singh, Chowdhry
Baldev Prakash, Dr.
Barakataki, Shrimati Renuka Devi
Barnala, Shri Surjit Singh
Basappa, Shri Kondajji
Bateshwar Hemram, Shri
Berwa, Shri Ram Kanwar
Bhanwar, Shri Bhagirath
Bharat Bhushan, Shri
Birendra Prasad, Shri
Brahm Perkash, Chaudhury
Brij Raj Singh, Shri

Chakravarty, Prof. Dilip
Chand Ram, Shri
Chandan Singh, Shri
Chandra Shekhar, Shri
Chandra Shekhar Singh, Shri
Chandra Pal Singh, Shri
Chandravati, Shrimati
Chaturbhuj, Shri
Chaturvedi, Shri Shambhu Nath
Chaudhary, Shri Motibhai R.
Chaudhry, Shri Ishwar
Chaudhury, Shri Rudra Sen
Chauhan, Shri Nawab Singh
Chavda, Shri K. S.
Chhetri, Shri Chhatra Bahadur
Chowhan, Shri Bharat Singh
Chunder, Dr. Pratap Chandra

Dandavate, Prof. Madhu
Danwe, Shri Pundalik Hari
Das, Shri S. S.
Dasgupta, Shri K. N.
Dave, Shri Anant
Dawn, Shri Raj Krishna
Desai, Shri Morarji
Deshmukh, Shri Nanaji
Deshmukh, Shri Ram Prasad
Dhandayuthapani, Shri V.
Dhara, Shri Sushil Kumar
Dhillon, Shri Iqbal Singh
Digvijoy Narain Singh, Shri
Durga Chand, Shri
Dutt, Shri Asoke Krishna

Elanchezhian, Shri V. S.
Fazlur Rahman, Shri
Fernandes, Shri George
Ganga Bhakt Singh, Shri
Ganga Singh, Shri
Gattani, Shri R. D.
Gawai, Shri D. G.
Ghosal, Shri Sudhir
Godara, Ch. Hari Ram Makkasar
Gore, Shrimati Mrinal
Gowda, Shri S. Nanjesha
Goyal, Shri Krishna Kumar
Guha, Prof. Samar
Gulshan, Shri Dhanna Singh
Gupta, Shri Kanwar Lal
Harikesh Bahadur, Shri
Hazari, Shri Ram Sewak
Heera Bhai, Shri
Hukam Ram, Shri
Inder Singh, Shri
Jagannathan, Shri S.
Jagjivan Ram, Shri
Jain, Shri Kacharulal Hemraj
Jain, Shri Kalyan
Jain, Shri Nirmal Chandra
Jaiswal, Shri Anant Ram
Jasrotia, Shri Baldev Singh
Joshi, Dr. Murli Manohar
Kachwai, Shri Hukam Chand
Kaiho, Shri
Kailash Prakash, Shri
Kakade, Shri Sambhajirao
Kaldate, Dr. Bapu
Kapoor, Shri L. L.
Kar, Shri Sarat
Kasar, Shri Amrut
Kaushik, Shri Purushottam
Khalsa, Shri Basant Singh
Khan, Shri Ghulam Mohammad
Kishore Lal, Shri
Kolanthaivelu, Shri R.
Kundu, Shri Samarendra
Kureel, Shri Jwala Prasad
Kureel, Shri R. L.
Lal, Shri S. S.
Lalu Prasad, Shri
Limaye, Shri Madhu
Lyngdoh, Shri Hopingstone
Machhand, Shri Raghubir Singh
Mahala, Shri K. L.
Mahale, Shri Hari Shankar
Mahi Lal, Shri
Maiti, Shrimati Abha
Malhotra, Shri Vijay Kumar
Malik, Shri Mukhtiar Singh
Mallick, Shri Rama Chandra
Mandal, Shri B. P.
Mangal Deo, Shri
Mankar, Shri Laxman Rao
Manohar Lal, Shri
Mathur, Shri Jagdish Prasad
Meerza, Shri Syed Kazim Ali
Mehta, Shri Prasannbhai
Mhalgi, Shri R. K.
Miri, Shri Govind Ram
Mishra, Shri Janeshwar
Mishra, Shri Shyamnandan
Mohd. Hayat Ali, Shri
Mohinder Singh, Shri
Mondal, Dr. Bijoy
Mritunjay Prasad, Shri
Multan Singh, Chaudhary
Munda, Shri Govinda
Munda, Shri Karia
Murugesan, Shri A.
Nahar, Shri Bijoy Singh
Nahata, Shri Amrit
Nathu Singh, Shri
Nayak, Shri Laxmi Narain
Nayar, Dr. Sushila
Onkar Singh, Shri
Oraon, Shri Lalu

Pandey, Shri Ambika Prasad
Pandeya, Dr. Laxminarayan
Pandit, Dr. Vasant Kumar
Parmai Lal, Shri
Parmar, Shri Natwarlal B.
Parulekar, Shri Bapusaheb
Paswan, Shri Ram Vilas
Patel, Shri Dharmasinhbhai
Patel, Shri Meetha Lal
Patidar, Shri Rameshwar
Patil, Shri Chandrakant
Patil, Shri S. D.
Patnaik, Shri Biju
Patwary, Shri H. L.
Periasamy, Dr. P. V.
Phirangi Prasad, Shri
Pipil, Shri Mohan Lal
Pradhan, Shri Pabitra Mohan
Raghavendra Singh, Shri
Raghavji, Shri
Raghu Ramaiah, Shri K.
Rai, Shri Gauri Shankar
Rai, Shri Narmada Prasad
Rai, Shri Shiv Ram
Raj Keshar Singh, Shri
Rai Narain, Shri
Rajda, Shri Ratansinh
Ram, Shri R. D.
Ram Dhan, Shri
Ram Gopal Singh, Chaudhury
Ram Kinkar, Shri
Ram Kishan, Shri
Ram Murti, Shri
Ram Sagar, Shri
Ramachandran, Shri R.
Ramalingam, Shri P. S.
Ramapati Singh, Shri
Ramaswamy, Shri S.
Ramji Singh, Dr.
Ramjiwan Singh, Shri
Ramoowalia, Shri Balwant Singh
Ranjit Singh, Shri
Rasheed Masood, Shri
Rathor, Dr. Bhagwan Dass
Ravindra Pratap Singh, Shri
Rodrigues, Shri Rudolph
Rothuama, Dr. R.
Saeed Murtaza, Shri
Sahoo, Shri Ainthu
Sai, Shri Larang
Sai, Shri Narhari Prasad Sukhdeo
Saini, Shri Manohar Lal
Samantasinhera, Shri Padmacharan
Saran, Shri Daulat Ram
Sarangi, Shri R. P.
Sarda, Shri S. K.
Sardar, Shri Mahendra Narayan
Sarkar, Shri S. K.
Sarsonia, Shri Shiv Narain
Satapathy, Shri Devendra
Satya Deo Singh, Shri
Sen, Shri Prafulla Chandra
Shah, Shri D. P.
Shah, Shri Surath Bahadur
Shaiza, Shrimati Rano M.
Shakya, Dr. Mahadeepak Singh
Shanti Devi, Shrimati
Sharma, Shri Jagannath
Sharma, Shri Rajendra Kumar
Sharma, Shri Yagya Datt
Shastri, Shri Bhanu Kumar
Shastri, Shri Ram Dhari
Shejwalkar, Shri N. K.
Sheo Narain, Shri
Sher Singh, Prof.
Sheth, Shri Vinodbhai B.
Shiv Sampati Ram, Shri
Shrikrishna Singh, Shri
Shukla, Shri Madan Lal
Sikandar Bakht, Shri
Singh, Dr. B. N.
Singha, Shri Sachindralal
Sinha, Shri C. M.
Sinha, Shri H. L. P.
Sinha, Shri M. P.
Sinha, Shri Purnanarayan

Sinha, Shri Satyendra Narayan
Somani, Shri Roop Lal
Somani, Shri S. S.
Sukhendra Singh, Shri
Suman, Shri Ramji Lal
Suman, Shri Surendra Jha
Suraj Bhan, Shri
Swamy, Dr. Subramaniam
Swatantra, Shri Jagannath Prasad

Talwandi, Shri Jagdev Singh
Tan Singh, Shri
Tej Pratap Singh, Shri
Thakur, Shri Aghan Singh
Tiwari, Shri Brij Bhushan
Tiwary, Shri D. N.
Tiwary, Shri Madan
Tohra, Shri G. S.
Tripathi, Shri Madhav Prasad
Tripathi, Shri Ram Prakash
Tur, Shri Mohan Singh
Tyagi, Shri Om Prakash

Ugrasen, Shri

Vajpayee, Shri Atal Bihari
Varma, Shri Ravindra
Vasisht, Shri Dharma Vir
Verma, Shri Brijlal
Verma, Shri Hargovind
Verma, Shri R. L. P.
Verma, Shri Sukhdeo Prasad

Yadav, Shri Hukmdeo Narain
Yadav, Shri Jagdambi Prasad
Yadav, Shri Narsingh
Yadav, Shri Ramji Lal
Yadav, Shri Sharad
Yadava, Shri Roop Nath Singh
Yadvendra Dutt, Shri
Yuvraj, Shri

Zulfiquarullah, Shri

MR. SPEAKER: Subject to correction, the result* of the division is: Ayes 73; Noes 261.

The motion was negatived.

MR. SPEAKER: I shall take up amendments No. 142, 143 and 144 moved by Shri V. M. Sudheeran. Are you pressing?

SHRI V. M. SUDHEERAN: Yes, Sir.

MR. SPEAKER: I shall put Amendments No. 142, 143 and 144 to the vote of the House.

Amendments No. 142 143 and 144 were put and negatived.

17.46 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

MR. DEPUTY-SPEAKER: I now take up Amendments Nos. 156 and 157 moved by Shri Laxmi Narain Nayak. Are you pressing

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*The following Members also recorded their votes:—

AYES: Sarvashri V. G. Hande, Sheshrao Deshmukh, Nanasahib Bonde, M. Bheeshma Dev, K. Ramamurthy, K. Obul Reddy, Janardhana Poojary, P. Rajgopal Naidu and Ajitsinh Dabhi.

NOES: Sarvashri Satish Agrawal, Dhanik Lal Mandal, Ram Jethmalani, Vinayak Prasad Yadav, Kunwar Mahmud Ali Khan, Ram Naresh Kushwaha, Yashwant Borole, Mohinder Singh Sayian Wala, Rinching Khandu Khrime, Pradyumna Bal, T. S. Negi, Ram Lal Rahi, R. N. Rakesh, Ram Charan, P. Anbalagan, Y. P. Shastri and Shrimati Kamala Bahuguna.

SHRI LAXMI NARAIN NAYAK: I withdraw my amendments.

Amendments Nos. 156 and 157 were, by leave, withdrawn.

MR. DEPUTY-SPEAKER: I now take up Amendments Nos. 165 and 166 moved by Shri R. Venkataraman. Are you pressing?

SHRI R. VENKATARAMAN: I am not pressing.

Amendments Nos. 165 and 166 were, by leave, withdrawn.

MR. DEPUTY-SPEAKER: Are you pressing amendment No. 175 Mr. Mhalgi?

SHRI R. K. MHALGI: I withdraw my amendment.

Amendment No. 175 was, by leave, withdrawn.

MR. DEPUTY-SPEAKER: Mr. Gupta, are you pressing your amendment No. 242 or you are withdrawing it?

SHRI KANWAR LAL GUPTA: I withdraw my amendment.

Amendment No. 242 was, by leave, withdrawn.

MR. DEPUTY-SPEAKER: Are you pressing your amendment No. 252, Mr. Yadav?

SHRI VINAYAK PRASAD YADAV: I withdraw my amendment.

Amendment No. 252 was, by leave, withdrawn.

MR. DEPUTY-SPEAKER: Mr. Kamath, are you withdrawing your amendments Nos. 286 and 287?

SHRI HARI VISHNU KAMATH: Yes, Sir.

Amendments Nos. 286 and 287 were, by leave, withdrawn.

MR. DEPUTY-SPEAKER: Shri Hukmdeo Narain Yadav, are you withdrawing your amendments Nos. 294, 295 and 296?

SHRI HUKMDEO NARAIN YADAV: Yes, Sir.

Amendments Nos. 294 to 296 were, by leave, withdrawn.

MR. DEPUTY-SPEAKER: Mr. Kamble are you pressing or withdrawing your amendments Nos. 302 to 308?

SHRI B. C. KAMBLE: I withdraw my amendments.

Amendments Nos. 302 to 308 were, by leave, withdrawn.

MR. DEPUTY-SPEAKER: Mr. Kamath, are you withdrawing your amendments Nos. 319, 320 and 321?

SHRI HARI VISHNU KAMATH: I withdraw my amendments.

Amendments Nos. 319 to 321 were, by leave, withdrawn.

MR. DEPUTY-SPEAKER: Mr. Kamble are you withdrawing your amendment No. 342?

SHRI B. C. KAMBLE: Yes, Sir.

Amendment No. 342 was, by leave, withdrawn.

MR. DEPUTY-SPEAKER: Mr. Kamath, are you withdrawing Amendment No. 349?

SHRI HARI VISHNU KAMATH: Yes, Sir.

Amendment No. 349 was, by leave, withdrawn.

MR. DEPUTY-SPEAKER: Are you withdrawing your amendment No. 383?

SHRI BAPUSAHEB PARULEKAR: Yes, Sir.

Amendment No. 383 was, by leave, withdrawn.

MR. DEPUTY-SPEAKER: Dr. Baldev Prakash, are you withdrawing your amendment No. 384?

DR. BALDEV PRAKASH: Yes, Sir.

Amendment No. 384 was, by leave, withdrawn.

MR. DEPUTY-SPEAKER: Mr. Chitta Basu, are you withdrawing your amendment?

SHRI CHITTA BASU: I am pressing.

MR. DEPUTY-SPEAKER: I shall put amendment No. 389 moved by Shri Chitta Basu to the vote of the House.

Amendment No. 389 was put and negatived.

MR. DEPUTY-SPEAKER: Mr. Ajitsinh Dabhi, are you withdrawing your amendment No. 390?

SHRI AJITSINGH DABHI: Yes, Sir.

Amendment No. 390 was, by leave, withdrawn.

MR. DEPUTY-SPEAKER: Prof. Mavalankar, are you withdrawing your amendments Nos. 412 to 415?

PROF. P. G. MAVALANKAR: No, Sir.

MR. DEPUTY-SPEAKER: I shall put amendments Nos. 412 to 415 moved by Prof. Mavalankar to the vote of the House.

Amendments Nos. 412 to 415 were put and negatived.

MR. DEPUTY-SPEAKER: Are you withdrawing your amendment No. 423 Mr. Dhirendranath Basu?

SHRI DHIRENDRANATH BASU: Yes, Sir.

Amendment No. 423 was, by leave, withdrawn.

Clause No. 39

MR. DEPUTY-SPEAKER: Are you pressing your amendments Mr. Chatterjee?

SHRI SOMNATH CHATTERJEE: Yes, Sir.

MR. DEPUTY-SPEAKER: I shall now put amendments Nos. 16 to 19 to the vote of the House.

Amendments Nos. 16 to 19 were put and negatived.

MR. DEPUTY-SPEAKER: Mr. Govindan Nair, are you pressing your amendments Nos. 193 to 195?

SHRI M. N. GOVINDAN NAIR: Yes, Sir.

MR. DEPUTY-SPEAKER: I shall put amendments Nos. 193 to 195 to the vote of the House.

Amendments Nos. 193 to 195 were put and negatived.

MR. DEPUTY-SPEAKER: Mr. Kamble, are you pressing your amendment No. 309?

SHRI B. C. KAMBLE: Yes, Sir.

MR. DEPUTY-SPEAKER: I shall put the amendment to the vote of the House.

Amendment No. 309 was put and negatived.

MR. DEPUTY-SPEAKER: I shall now put amendment No. 350 to the vote of the House.

Amendment No. 350 was put and negatived.

SHRI HARI VISHNU KAMATH: I am not pressing my amendments No. 351, 352, 353 and 354. I seek leave of the House to withdraw my amendments.

Amendments Nos. 351 to 354 were, by leave, withdrawn.

MR. DEPUTY-SPEAKER: I shall now put amendment No. 374 to the vote of the House.

Amendment No. 374 was put and negatived.

PROF. P. G. MAVALANKAR: I am not pressing my amendments Nos.

[Shri P. G. Mavalankar]

416 and 418. I seek leave of the House to withdraw my amendments.

Amendments Nos. 416 and 418 were, by leave, withdrawn.

Clause 40

MR. DEPUTY-SPEAKER: I shall now put amendment No. 20 to the vote of the House.

Amendment No. 20 was put and negatived.

SHRI HARI VISHNU KAMATH: I am not pressing my amendment No. 355. I seek leave of the House to withdraw my amendment.

Amendment No. 355 was, by leape, withdrawn.

Clause 41

MR. DEPUTY-SPEAKER: I shall now put amendment No. 21 to the vote of the House.

Amendment No. 21 was put and negatived.

MR. DEPUTY-SPEAKER: I shall now put amendment No. 50 to the vote of the House.

Amendment No. 50 was put and negatived.

SHRI KANWAR LAL GUPTA: My amendment is:

Page 11, line 39,—

for "article 21" *substitute*—

"articles 20 and 21" (425)

SHRI SHANTI BHUSHAN: I have accepted it.

MR. DEPUTY-SPEAKER: The question is:

Page 11, line 39,—

for "article 21" *substitute*—

"articles 20 and 21" (425)

The motion was adopted.

MR. DEPUTY-SPEAKER: I shall now put amendment No. 426 to the vote of the House.

Amendment No. 426 was put and negatived.

Clause 42

MR. DEPUTY-SPEAKER: I shall now put amendment No. 22 to the vote of the House.

Amendment No. 22 was put and negatived.

MR. DEPUTY-SPEAKER: I shall now put amendment No. 403 to the vote of the House.

Amendment No. 403 was put and negatived.

Clause 43

MR. DEPUTY-SPEAKER: I shall now put amendment No. 51 to the vote of the House.

Amendment No. 51 was put and negatived.

SHRI R. K. MHALGI: I am not pressing my amendment No. 176. I seek leave of the House to withdraw my amendment.

Amendment No. 176 was, by leave, withdrawn.

SHRI RAGHAVJI: I am not pressing my amendment No. 399. I seek leave of the House to withdraw my amendment.

Amendment No. 399 was, by leave, withdrawn.

Clause 44

MR. DEPUTY-SPEAKER: I shall now put Amendment No. 23 of Shri Dinen Bhattacharyya to the vote of the House.

Amendment No. 23 was put and negatived.

MR. DEPUTY-SPEAKER: Amendments Nos. 31 and 32 by Shri Mrityunjay Prasad.

SHRI MRITYUNJAY PRASAD: I am not pressing for it. I seek leave of the House to withdraw them.

Amendments Nos. 31 and 32 were, by leave, withdrawn.

MR. DEPUTY-SPEAKER: Amendment No. 86—Shri Shambhu Nath Chaturvedi.

SHRI SHAMBHU NATH CHATURVEDI: I seek leave of the House to withdraw my amendment.

Amendment No. 86 was, by leave, withdrawn.

MR. DEPUTY-SPEAKER: I shall now put Amendments Nos. 200 and 201 by Mr. Kodiyan to the vote of the House.

Amendments Nos. 200 and 201 were put and negatived.

MR. DEPUTY-SPEAKER: I shall now put amendments Nos. 253 and 254 of Shri Vayalar Ravi to the vote of the House.

Amendments Nos. 253 and 254 were put and negatived.

MR. DEPUTY-SPEAKER: Now I shall put the amendments Nos. 310, 311 and 343 of Shri B. C. Kamble to vote of the House.

Amendments Nos. 310, 311 and 343 were put and negatived.

MR. DEPUTY-SPEAKER: I shall now put amendment No. 404 of Shri Eduardo Faleiro to vote.

Amendment No. 404 was put and negatived.

MR. DEPUTY-SPEAKER: I shall now put amendment No. 409 of Shri Chitta Basu to vote of the House.

Amendment No. 409 was put and negatived.

MR. DEPUTY-SPEAKER: Mr. Mavalankar, are you pressing your amendments?

PROF. P. G. MAVALANKAR: Only amendment No. 419 I am pressing. I seek leave of the House to withdraw my Amendment No 420.

Amendment No. 420 was, by leave, withdrawn.

MR. DEPUTY-SPEAKER: I shall now put Mr. Mavalankar's amendment No. 419 to vote.

Amendment No. 419 was put and negatived.

Clause 45

MR. DEPUTY-SPEAKER: I shall put Amendments Nos. 10 and 11 by Shri Banatwalla to the vote of the House.

Amendments Nos. 10 and 11 were put and negatived.

MR. DEPUTY-SPEAKER: I shall now put amendments Nos. 24 and 25 of Shri Somnath Chatterjee to vote of the House.

Amendments Nos. 24 and 25 were put and negatived.

MR. DEPUTY-SPEAKER: Mr. Parulekar. Amendment No. 46 and 47.

MR. DEPUTY-SPEAKER: I shall now put them to vote.

Amendments Nos. 46 and 47 were put and negatived.

MR. DEPUTY-SPEAKER: Mr. Shambhu Nath Chaturvedi. Amendment No. 87.

SHRI SHAMBHU NATH CHATURVEDI: I seek leave of the House to withdraw my amendments.

Amendment No. 87 was, by leave, withdrawn.

17.58 hrs.

[MR. SPEAKER in the Chair]

MR. SPEAKER: Now, Amendment No. 110 by Mr. Saugata Roy.

[Mr. Speaker]

He is not here. But I have to put it to the House for vote.

Amendment No. 110 was put and negatived.

MR. SPEAKER: I shall put Amendments Nos. 150 and 151 by Shri Narendra P. Nathwani to the vote of the House.

Amendments Nos. 150 and 151 were put and negatived.

MR. SPEAKER: I shall now put amendment No. 185 by Mr. Vayalar Ravi to the vote of the House.

Amendment No. 185 was put and negatived.

MR. SPEAKER: I shall now put amendment No. 202 by Mr. Chandrappan to vote of the House.

Amendment No. 202 was put and negatived.

MR. SPEAKER: Now, amendments Nos. 243, 244 and 245 by Shri Kanwar Lal Gupta.

SHRI KANWAR LAL GUPTA: I seek leave of the House to withdraw my amendments.

Amendments Nos. 243 to 245 were, by leave, withdrawn.

MR. SPEAKER: I shall now put Mr. Vayalar Ravi's amendment No. 255 to the vote of the House.

Amendment No. 255 was put and negatived.

MR. SPEAKER: I shall now put Mr. Shyamnandan Mishra's amendment No. 277 to the vote of the House.

Amendment No. 277 was put and negatived.

18.00 hrs.

MR. SPEAKER: I shall now put amendments Nos. 297, 298 and 299 moved by Shri Hukmdeo Narain Yadav to the vote of the House.

Amendments Nos. 297 to 299 were put and negatived.

SHRI B. C. KAMBLE: I seek leave of the House to withdraw my amendments Nos. 346 and 347.

Amendments Nos. 346 and 347 were, by leave, withdrawn

SHRI HARI VISHNU KAMATH: I seek leave of the House to withdraw my amendment No. 356.

Amendment No. 356 was, by leave, withdrawn.

MR. SPEAKER: I shall now put amendment No. 357 moved by Shri Hari Vishnu Kamath to the vote of the House.

The question is:

Page 13, line 40,—

for "a majority of the voters"

substitute "two-thirds of the voters" (357)

The motion was negatived.

MR. SPEAKER: I shall now put amendment No. 377 moved by Shri V. Arunachalam Alias Aladi Aruna to the vote of the House.

Amendment No. 377 was put and negatived.

DR. BALDEV PRAKASH: I seek leave of the House to withdraw my amendment No. 385.

Amendment No. 385 was, by leave, withdrawn.

SHRI G. NARSIMHA REDDY: I seek leave of the House to withdraw my amendment No. 387.

Amendment No 387 was, by leave, withdrawn.

MR. SPEAKER: I shall now put amendment No. 392 moved by Shri Chitta Basu, 397 moved by Shri A.

Asokaraj and 405 moved by Shri Eduardo Faleiro to the vote of the House.

Amendments Nos. 392, 397 and 405 were put and negatived.

MR. SPEAKER: I shall now put amendments No. 421 and 422 moved by Shri P. G. Mavalankar to the vote of the House. The question is:

Page 13, line 14,—

for "Provided further that if sueh amendment—"

substitute—

"Provided further that the articles of the Constitution providing for the following basic features shall not be subject to any amendment which—" (421)

Pages 13 and 14.—

omit lines 27 to 47 and 1 to 4 respectively. (422).

The Lok Sabha divided:

Division No. 15] [18.10 hrs.

18.10 hrs.

AYES

Banatwalla, Shri G. M.
Bhakta Shri Manoranjan
Chaturvedi, Shri Shambhu Nath
Mavalankar, Prof. P. G.
Mirdha, Shri Nathu Ram
Rao, Shri J. Rameshwar

NOES

Abdul Lateef, Shri
Agrawal, Shri Satish
Ahsan Jafri, Shri
Ahuja, Shri Subhash
Alhaj, Shri M. A. Hannan
Amat, Shri D.
Amin, Prof. R. K.
Ananthan, Shri Kumari
Anbalagan, Shri P.
Ansari, Shri Faquir Ali
Arif Beg, Shri
Arunachalam 'alias, Aladi Aruna', Shri V.
Asokaraj, Shri A.
Austin, Dr. Henry
Bagri, Shri Mani Ram
Bahuguna, Shri H. N.
Bahuguna, Shrimati Kamala
Bairagi, Shri Jena
Bal, Shri Pradyumna
Balak Ram, Shri
Balbir Singh, Chowdhry
Baldev Prakash, Dr.
Barakataki, Shrimati Renuka Devi
Barman, Shri Palas
Barnala, Shri Surjit Singh
Barrow, Shri A. E. T.
Basappa, Shri Kondajji
Basu, Shri Chitta
Basu, Shri Dhirendranath
Bateshwar Hemram, Shri
Berwa, Shri Ram Kanwar
Bhanwar, Shri Bhagirath
Bharat Bhushan, Shri
Bhattacharya, Shri Dinen
Bhattacharyya, Shri Shyamaprasanna
Birendra Prasad, Shri
Borole, Shri Yashwant
Bosu, Shri Jyotirmoy
Brahm Perkash, Chaudhury
Brij Raj Singh, Shri
Chakravarty, Prof. Dilip
Chand Ram, Shri
Chandan Singh, Shri
Chandra Shekhar, Shri
Chandra Shekhar Singh, Shri
Chandra Pal Singh, Shri
Chandrappan, Shri C. K.
Chandravati, Shrimati
Chatterjee, Shri Somnath
Chaturbhuj, Shri
Chaudhary, Shri Motibhai R.
Chaudhry, Shri Ishwar

Chaudhury, Shri Rudra Sen
Chauhan, Shri Nawab Singh
Chavda, Shri K. S.
Chhetri, Shri Chhatra Bahadur
Chowhan, Shri Bharat Singh
Chunder, Dr. Pratap Chandra

Dandavate, Prof. Madhu
Danwe, Shri Pundalik Hari
Das, Shri S. S.
Das, Shri R. P.
Dasgupta, Shri K. N.
Dave, Shri Anant
Dawn, Shri Raj Krishna
Deo, Shri V. Kishore Chandra S.
Desai, Shri Morarji
Deshmukh, Shri Nanaji
Deshmukh, Shri Rana Prasad
Dhandayuthapani, Shri V.
Dhara, Shri Sushil Kumar
Dharia, Shri Mohan
Dhillon, Shri Iqbal Singh
Digvijoy Narain Singh, Shri
Durga Chand, Shri
Dutt, Shri Asoke Krishna

Elanchezhian, Shri V. S.

Fazlur Rahman, Shri
Fernandes, Shri George

Ganga Bhakt Singh, Shri
Ganga Singh, Shri
Gattani, Shri R. D.
Ghosal, Shri Sudhir
Godara, Ch. Hari Ram Makkasar
Gode, Shri Santoshrao
Gore, Shrimati Mrinal
Goswami, Shrimati Bibha Ghosh
Gotkhinde, Shri Annasaheb
Gowda, Shri S. Nanjesha
Goyal, Shri Krishna Kumar
Guha, Prof. Samar
Gulshan, Shri Dhanna Singh
Gupta, Shri Kanwar Lal

Halder, Shri Krishna Chandra
Hande, Shri V. G.
Harikesh Bahadur, Shri
Hazari, Shri Ram Sewak
Heera Bhai, Shri
Hukam Ram, Shri

Inder Singh, Shri

Jagannathan, Shri S.
Jagjivan Ram, Shri
Jain, Shri Kacharulal Hemraj
Jain, Shri Kalyan
Jain, Shri Nirmal Chandra
Jaiswal, Shri Anant Ram
Jasrotia, Shri Baldev Singh
Jethmalani, Shri Ram

Kachwai, Shri Hukam Chand
Kaiho, Shri
Kailash Prakash, Shri
Kakade, Shri Sambhajirao
Kaldate, Dr. Bapu
Kamath, Shri Hari Vishnu
Kannan, Shri P.
Kapoor, Shri L. L.
Kar, Shri Sarat
Kasar, Shri Amrut
Kaushik, Shri Purushottam
Khaisa, Shri Basant Singh
Khan, Shri Ghulam Mohammad
Khan, Shri Ismail Hossain
Khan, Shri Kunwar Mahmud Ali
Khrime, Shri Rinching Khandu
Kisku, Shri Jadunath
Kodiyan, Shri P. K.
Kolanthaivelu, Shri R.
Krishan Kant, Shri
Kundu, Shri Samarendra
Kunhambu, Shri K.
Kureel, Shri Jwala Prasad
Kushwaha, Shri Ram Naresh

Lakshminarayanan, Shri M. R.
Lalji Bhai, Shri
Lalu Prasad, Shri

Machhand, Shri Raghubir Singh
Mahala, Shri K. L.
Mahale, Shri Hari Shankar
Mahata, Shri C. R.
Mahi Lal, Shri
Mahishi, Dr. Sarojini
Maiti, Shrimati Abha
Malhotra, Shri Vijay Kumar
Malik, Shri Mukhtiar Singh
Mallick, Shri Rama Chandra
Mandal, Shri B. P.
Mandal, Shri Dhanik Lal
Mandal, Shri Mukunda
Mane, Shri Rajaram Shankarrao
Mangal Deo, Shri
Mankar, Shri Laxman Rao
Manohar Lal, Shri
Mathur, Shri Jagdish Prasad
Mayathevar, Shri K.
Meerza, Shri Syed Kazim Ali
Mehta, Shri Prasannbhai
Miri, Shri Govind Ram
Mishra, Shri Janeshwar
Mishra, Shri Shyamnandan
Modak, Shri Bijoy
Mohanarangam, Shri Ragavalu
Mohinder Singh, Shri
Mondal, Dr. Bijoy
Mrityunjay Prasad, Shri
Mukherjee, Shri Samar
Munda, Shri Govinda
Munda, Shri Karia
Murugesan, Shri A.

Nahar, Shri Bijoy Singh
Nahata, Shri Amrit
Nair, Shri M. N. Govindan
Narayana, Shri K. S.
Narendra Singh, Shri
Nathu Singh, Shri
Nayak, Shri Laxmi Narain
Nayar, Dr. Sushila
Negi, Shri T. S.

Onkar Singh, Shri
Oraon, Shri Lalu

Pandey, Shri Ambika Prasad
Pandeya, Dr. Laxminarayan
Pandit, Dr. Vasant Kumar
Parmai Lal, Shri
Parmar, Shri Natwarlal B.
Parthasarathy, Shri P.
Parulekar, Shri Bapusaheb
Paswan, Shri Ram Vilas
Patel, Shri Dharmasinhbhai
Patel, Shri H. M.
Patel, Km. Maniben Vallabhai
Patel, Shri Meetha Lal
Patidar, Shri Rameshwar
Patil, Shri Chandrakant
Patil, Shri D. B.
Patil, Shri S. D.
Patnaik, Shri Biju
Patnaik, Shri Sivaji
Patwary, Shri H. L.
Periasamy, Dr. P. V.
Phirangi Prasad, Shri
Pipil, Shri Mohan Lal
Pradhan, Shri Amar Roy
Pradhan, Shri Pabitra Mohan

Raghavendra Singh, Shri
Raghavji, Shri
Raghu Ramaiah, Shri K.
Rahi, Shri Ram Lal
Rai, Shri Gauri Shankar
Rai, Shri Narmada Prasad
Rai, Shri Shiv Ram
Raj Narain, Shri
Rajan, Shri K A.
Rajda, Shri Ratansinh
Rakesh, Shri R. N.
Ram, Shri R. D.
Ram Charan, Shri
Ram Dhan, Shri
Ram Gopal Singh, Chaudhury
Ram Kinkar, Shri

Bam Kishan, Shri
Ram Murti, Shri
Ram Sagar, Shri
Ramachandran, Shri P.
Ramalingam, Shri P. S.
Ramapati Singh, Shri
Ramji Singh, Dr.
Ramjiwan Singh, Shri
Ramoowalia, Shri Balwant Singh
Rangnekar, Shrimati Ahilya P.
Ranjit Singh, Shri
Rathor, Dr. Bhagwan Dass
Ravindra Pratap Singh, Shri
Reddy, Shri M. Ram Gopal
Rodrigues, Shri Rudolph
Rothuama, Dr. R.
Roy, Dr. Saradish
Saeed Murtaza, Shri
Saha, Shri A. K.
Saha, Shri Gadadhar
Sai, Shri Larang
Sai, Shri Narhari Prasad Sukhdeo
Saini, Shri Manohar Lal
Samantasinhera, Shri Padmacharan
Sanyal, Shri Sasankasekhar
Saran, Shri Daulat Ram
Sarangi, Shri R. P.
Sarda, Shri S. K.
Sardar, Shri Mahendra Narayan
Sarkar, Shri S. K.
Sarsonia, Shri Shiv Narain
Satapathy, Shri Devendra
Satya Deo Singh, Shri
Sayian Wala, Shri Mohinder Singh
Sen, Shri Prafulla Chandra
Sen, Shri Robin
Shah, Shri D. P.
Shaiza, Shrimati Rano M.
Shakya, Dr. Mahdeepak Singh
Shanti Devi, Shrimati
Sharma, Shri Jagannath
Sharma, Shri Rajendra Kumar
Sharma, Shri Yagya Datt
Shastri, Shri Bhanu Kumar
Shastri, Shri Ram Dhari
Shastri, Shri Y. P.
Shejwalkar, Shri N. K.
Sheo Narain, Shri
Sher Singh, Prof.
Sheth, Shri Vinodbhai B.
Shiv Sampati Ram, Shri
Shrangare, Shri T. S.
Shrikrishna Singh, Shri
Shukla, Shri Madan Lal
Sikander Bakht, Shri
Singha, Shri Sachindralal
Sinha, Shri C. M.
Sinha, Shri M. P.
Sinha, Shri Purnanarayan
Sinha, Shri Satyendra Narayan
Somani, Shri Roop Lal
Somani, Shri S. S.
Somasundaram, Shri S. D.
Sudheeran, Shri V. M.
Sukhendra Singh, Shri
Suman, Shri Surendra Jha
Sunna Sahib, Shri A.
Suraj Bhan, Shri
Surya Narain Singh, Shri
Swamy, Dr. Subramaniam
Swatantra, Shri Jagannath Prasad
Talwandi, Shri Jagdev Singh
Tan Singh, Shri
Tej Pratap Singh, Shri
Thakur, Shri Aghan Singh
Tirkey, Shri Pius
Tiwari, Shri Brij Bhushan
Tiwary, Shri D. N.
Tiwary, Shri Madan
Tripathi, Shri Ram Prakash
Tur, Shri Mohan Singh
Tyagi, Shri Om Prakash
Ugrasen, Shri
Unnikrishnan, Shri K. P.

Vajpayee, Shri Atal Bihari
Varma, Shri Ravindra
Vasisht, Shri Dharma Vir
Verma, Shri Brijlal
Verma, Shri Hargovind
Verma, Shri R. L. P
Verma, Shri Sukhdeo Prasad
Visvanathan, Shri C. N.
Yadav, Shri Hukmdeo Narain
Yadav, Shri Jagdambi Prasad
Yadav, Shri Ramji Lal
Yadav, Shri Sharad
Yadav, Shri Vinayak Prasad
Yadava, Shri Roop Nath Singh
Yadvendra Dutt, Shri
Yuvraj, Shri
Zulfiquarullah, Shri

MR. SPEAKER: Subject to correction, the result* of the Division is as follows:

Ayes: 6

Noes: 320

The motion was negatived.

MR. SPEAKER: We now take up amendments No. 427 and 428.

SHRI HARI VISHNU KAMATH: I would like to withdraw amendment No. 428.

Amendment No. 428 was, by leave, withdrawn.

SHRI HARI VISHNU KAMATH: I would like to press amendment No. 427.

MR. SPEAKER: I shall read it and put it to the vote of the House.

The question is:

Page 13, line 17, for "democratic" *substitute "democratic socialist"* (427).

The motion was negatived.

Clause 47

MR. SPEAKER: There are no amendments to clause 46. We come to clause 47. Mr. Patwary..

SHRI H. L. PATWARY: I press my amendment No. 8.

MR. SPEAKER: The question is:

Page 14, *omit* lines 20 to 24. (8)

Those in favour shall say 'Aye'.

SHRI H. L. PATWARY: Aye.

MR. SPEAKER: Those against shall say 'No'.

SOME HON. MEMBERS: No.

MR. SPEAKER: I think the Noes have it.

SHRI H. L. PATWARY: Ayes have it.

MR. SPEAKER: Division, please, on Amendment No. 8.

SHRI R. VENKATARAMAN: Have you ordered division?

SHRI P. VENKATASUBBAIAH: We did not hear it.

MR. SPEAKER: I have already ordered division.

SHRI VASANT SATHE: You have to put it again before ordering division.

SHRI J. RAMESHWARA RAO: We did not hear the gong go.

MR. SPEAKER: I will do it again. The question is:

Page 14,

omit lines 20 to 24(8).

The Lok Sabha divided:

*The following Members also recorded their votes for NOES:—

Sarvashri H. L. P. Sinha, Surath Bahadur Shah, Ramji Lal Suman, R. K. Mhalgi, R. L. Kureel, Ainthu Sahoo, Raj Keshar Singh, S. Ramaswamy and Dr. Murli Manohar Joshi.

Division No. 16] **[18.18 hrs.**

AYES

Ahsan Jafri, Shri
Alagesan, Shri O. V.
Ankineedu, Shri Maganti
Ankineedu Prasada Rao, Shri P.
Arunachalam, Shri M.
Austin, Dr. Henry

Barrow, Shri A. E. T.
Barua, Shri Bedabrata
Basu, Shri Dhirendranath
Bhakta, Shri Manōranjan
Bheeshma Dev, Shri M.
Borooah, Shri D. K.
Burman, Shri Kirit Bikram Deb

Chandrappan, Shri C. K.
Chavan, Shrimati P.
Chavan, Shri Yeshwantrao
Choudhari, Shri K. B.

Dabhi, Shri Ajitsinh
Deo, Shri P. K.
Deo, Shri V. Kishore Chandra S.
Desai, Shri Hitendra
Devarajan, Shri B.
Doley, Shri L. K.

Engti, Shri Biren

Faleiro, Shri Eduardo

Gamit, Shri Chhitubhai
Gode, Shri Santoshrao
Gogoi, Shri Tarun
Gomango, Shri Giridhar
Gopal, Shri K.
Gotkhinde, Shri Annasaheb

Hande, Shri V. G.
Haren Bhumij, Shri

Jethmalani, Shri Ram
Jeyalakshmi, Shrimati V.

Kadam, Shri B. P.
Kadannappalli, Shri Ramachandran
Kamakshaiah, Shri D.
Kodiyan, Shri P. K.
Kolur, Shri Rajshekhar
Kosalram, Shri K. T.
Krishnan, Shrimati Parvathi
Kunhambu, Shri K.

Lakkappa, Shri K.
Lakshinarayanan, Shri M. R.
Laskar, Shri Nihar

Mahala, Shri K. L.
Mane, Shri Rajaram Shankarrao
Mirdha, Shri Nathu Ram
Mishra, Shri G. S.
Murthy, Shri M. V. Chandrashekhara

Naik, Shri S. H.
Naik, Shri V. P.
Nair, Shri B. K.
Narayana, Shri K. S.

Patel, Shri Dwarikadas
Patil, Shri Vijaykumar N.
Patwary, Shri H. L.
Poojary, Shri Janardhana
Pradhan, Shri K.
Pullaiah, Shri Darur

Rachaiah, Shri B.
Raghavendra Singh, Shri
Rahi, Shri Ram Lal
Rajan, Shri K. A.
Raju, Shri P. V. G.
Ramalingam, Shri N. Kudanthai
Ramamurthy, Shri K.
Rao, Shrimati B. Radhabai Ananda
Rao, Shri J. Rameshwar
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri Pattabhi Rama
Rath, Shri Ramachandra
Ravi, Shri Vayalar
Reddi, Shri G. S.
Reddy, Shri K. Brahmananda
Reddy, Shri K. Obul
Reddy, Shri K. Vijaya Bhaskara

Reddy, Shri S. R.
Roy, Shri A. K
Roy, Shri Saugata
Sathe, Shri Vasant
Satya Deo Singh, Shri
Seyid Muhammad, Dr. V. A.
Shankar Dev, Shri
Shrangare, Shri T. S.
Stephen, Shri C. M.
Sudheeran, Shri V. M.
Suman, Shri Surendra Jha
Sunna Sahib, Shri A.
Swaminathan, Shri R. V.
Thorat, Shri Bhausaheb
Tombi Singh, Shri N.
Tulsiram, Shri V.
Unnikrishnan, Shri K. P.
Veerabhadrappa, Shri K. S.
Venkataraman, Shri R.
Venkatareddy, Shri P.
Venkatasubbaiah, Shri P.
Yadav, Shri Hukmdeo Narain

NOES

Abdul Lateef, Shri
Agrawal, Shri Satish
Ahuja, Shri Subhash
Alhaj, Shri M. A. Hannan
Amat, Shri D.
Amin, Prof. R. K.
Anbalagan, Shri P.
Ansari, Shri Faquir Ali
Arif Beg, Shri
Arunachalam *alias* 'Aladi Aruna,' Shri V.
Asokaraj, Shri A.
Bahuguna, Shri H. N.
Bahuguna, Shrimati Kamala
Bairagi, Shri Jena
Bal, Shri Pradyumna
Balak Ram, Shri
Balbir Singh, Chowdhry
Baldev Prakash, Dr.
Banatwalla, Shri G. M.
Barakataki, Shrimati Renuka Devi
Barman, Shri Palas
Barnala, Shri Surjit Singh
Basappa, Shri Kondajji
Basu, Shri Chitta
Bateshwar Hemram, Shri
Berwa, Shri Ram Kanwar
Bhanwar, Shri Bhagirath
Bharat Bhushan, Shri
Bhattacharya, Shri Dinen
Birendra Prasad, Shri
Borole, Shri Yashwant
Bosu, Shri Jyotirmoy
Brahm, Perkash Chaudhury
Brij Raj Singh, Shri
Chand Ram, Shri
Chandan Singh, Shri
Chandra Shekhar, Shri
Chandra Shekhar Singh, Shri
Chandra Pal Singh, Shri
Chandravati, Shrimati
Chatterjee, Shri Somnath
Chaturbhuj, Shri
Chaturvedi, Shri Shambhu Nath
Chaudhary, Shri Motibhai R.
Chaudhry, Shri Ishwar
Chaudhury, Shri Rudra Sen
Chauhan, Shri Nawab Singh
Chavda, Shri K. S.
Chhetri, Shri Chhatra Bahadur
Chowhan, Shri Bharat Singh
Chunder, Dr. Pratap Chandra
Dandavate, Prof. Madhu
Danwe, Shri Pundalik Hari
Das, Shri S. S.
Das, Shri R. P.
Dasgupta, Shri K. N.
Dave, Shri Anant
Dawan, Shri Raj Krishna
Desai, Shri Morarji

Deshmukh, Shri Nanaji
Deshmukh, Shri Ram Prasad
Dhandayuthapani, Shri V.
Dhara, Shri Sushil Kumar
Dharia, Shri Mohan
Dhillon, Shri Iqbal Singh
Digvijoy Narain Singh, Shri
Durga Chand, Shri
Dutt, Shri Asoke Krishna

Elanchezhian, Shri V. S.

Fazlur Rahman, Shri
Fernandes, Shri George

Ganga Bhakt Singh, Shri
Ganga Singh, Shri
Gattani, Shri R. D.
Gawai, Shri D. G.
Ghosal, Shri Sudhir
Godara, Ch. Hari Ram Makkasar
Gore, Shrimati Mrinal
Gowda, Shri S. Nanjesha
Goyal, Shri Krishna Kumar
Guha, Prof. Samar
Gupta, Shri Kanwar Lal

Halder, Shri Krishna Chandra
Harikesh Bahadur, Shri
Hazari, Shri Ram Sewak
Heera Bhai, Shri
Hukam Ram, Shri

Inder Singh, Shri

Jagjivan Ram, Shri
Jain, Shri Kacharulal Hemraj
Jain, Shri Kalyan
Jain, Shri Nirmal Chandra
Jaiswal, Shri Anant Ram
Jasrotia, Shri Baldev Singh
Joshi, Dr. Murli Manohar

Kachwai, Shri Hukam Chand
Kaiho, Shri
Kailash Prakash, Shri
Kakade, Shri Sambhajirao
Kaldate, Dr. Bapu
Kannan, Shri P.
Kapoor, Shri L. L.
Kasar, Shri Amrut
Kaushik, Shri Purushottam
Khalsa, Shri Basant Singh
Khan, Shri Ghulam Mohammad
Khan, Shri Kunwar Mahmud Ali
Khrime, Shri Rinching Khandu
Kisku, Shri Jadunath
Kolanthaivelu, Shri R.
Krishan Kant, Shri
Kundu, Shri Samarendra
Kureel, Shri Jwala Prasad
Kureel, Shri R. L.
Kushwaha, Shri Ram Naresh

Lahanu Shidava Kom, Shri
Lal, Shri S. S.
Lalji Bhai, Shri
Lalu Prasad, Shri
Limaye, Shri Madhu
Lyngdoh, Shri Hopingstone

Machhand, Shri Raghubir Singh
Mahale, Shri Hari Shankar
Mahata, Shri C. R.
Mahi Lal, Shri
Mahishi, Dr. Sarojim
Maiti, Shrimati Abha
Malik, Shri Mukhtiar Singh
Mallick, Shri Rama Chandra
Mandal, Shri B. P.
Mandal, Shri Mukunda
Mangal Deo, Shri
Mankar, Shri Laxman Rao
Manohar Lal, Shri
Mathur, Shri Jagdish Prasad
Mavalankar, Prof. P. G.
Mayathevar, Shri K.
Meerza, Shri Syed Kazim Ali
Mehta, Shri Prasannbhai
Mhalgi, Shri R. K.
Miri, Shri Govind Ram
Mishra, Shri Janeshwar

Modak, Shri Bijoy
Mohanarangam, Shri Ragavalu
Mohinder Singh, Shri
Mondal, Dr. Bijoy
Mritunjay Prasad, Shri
Mukherjee, Shri Samar
Multan Singh, Chaudhary
Munda, Shri Govinda
Munda, Shri Karia
Murugesan, Shri A.
Nahar, Shir Bijoy Singh
Nahata, Shri Amrit
*Nair, Shri M. N. Govindan
Narendra Singh, Shri
Nathu Singh, Shri
Nayak, Shri Laxmi Narain
Nayar, Dr. Sushila
Nesi, Shri T. S.
Onkar Singh, Shri
Oraon, Shri Lalu
Pandey, Shri Ambika Prasad
Pandeya, Dr. Laxminarayan
Pandit, Dr. Vasant Kumar
Parmai Lal, Shri
Parmar, Shri Natwarlal B.
Parthasarathy, Shri P.
Parulekar, Shri Bapusaheb
Paswan, Shri Ram Vilas
Patel, Shri Dharamsinhbhai
Patel, Shri H. M.
Patel, Km. Maniben Vallabhbhai
Patel, Shri Meetha Lal
Patidar, Shri Rameshwar
Patil, Shri Chandrakant
Patil, Shri D. B.
Patil, Shri S. D.
Patnaik, Shri Biju
Patnaik, Shri Sivaji
Periasamy, Dr. P. V.
Phirangi Prasad, Shri
Pipil, Shri Mohan Lal
Pradhan, Shri Amar Roy
Pradhan, Shri Pabitra Mohan
Raghavji, Shri
Raghu Ramaiah, Shri K.
Rai, Shri Gauri Shankar
Rai, Shri Narmada Prasad
Rai, Shri Shiv Ram
Raj Keshar Singh, Shri
Raj Narain, Shri
Rajda, Shri Ratansinh
Rakesh, Shri R. N.
Ram, Shri R. D.
Ram Charan, Shri
Ram Dhan, Shri
Ram Gopal Singh, Chaudhury
Ram Kinkar, Shri
Ram Kishan, Shri
Ram Murti, Shri
Ram Sagar, Shri
Ramachandran, Shri P.
Ramalingam, Shri P. S.
Ramapati Singh, Shri
Ramaswamy, Shri S.
Ramji Singh, Dr.
Ramjiwan Singh, Shri
Ramoowalia, Shri Balwant Singh
Rangnekar, Shrimati Ahilya P.
Ranjit Singh, Shri
Rathor, Dr. Bhagwan Das
Ravindra Pratap Singh, Shri
Rodrigues, Shri Rudolph
Rothuama, Dr. R.
Roy, Dr. Saradish
Saeed Murtaza, Shri
Saha, Shri A. K.
Sahoo, Shri Ainthu
Sai, Shri Larang
Sai, Shri Narhari Prasad Sukhdeo
Saini, Shri Manohar Lal
Samantasinhera, Shri Padmacharan
Sanyal, Shri Sasankasekhar
Saran, Shri Daulat Ram
Sarangi, Shri R. P.

*Wrongly voted for NOES.

Sarda, Shri S. K.
Sardar, Shri Mahendra Narayan
Sarkar, Shri S. K.
Sarsonia, Shri Shiv Narain
Satapathy, Shri Davendra
Sayian Wala, Shri Mohinder Singh
Sen, Shri Robin
Shah, Shri D. P.
Shah, Shri Surath Bahadur
Shaiza, Shrimati Rano M.
Shakya, Dr. Mahadeepak Singh
Shanti Devi, Shrimati
Sharma, Shri Jagannath
Sharma, Shri Rajendra Kumar
Sharma, Shri Yagya Datt
Shastri, Shri Bhanu Kumar
Shastri, Shri Ram Dhari
Shastri, Shri Y. P.
Shejwalkar, Shri N. K.
Sheo Narain, Shri
Sher Singh, Prof.
Sheth, Shri Vinodbhai B.
Shiv Sampati Ram, Shri
Shrikrishna Singh, Shri
Shukla, Shri Madan Lal
Sikander Bakht, Shri
Singh, Dr. B. N.
Singha, Shri Sachindralal
Sinha, Shri C. M.
Sinha, Shri H. L. P.
Sinha, Shri M. P.
Sinha, Shri Purnanarayan
Sinha, Shri Satyendra Narayan
Somani, Shri Roop Lal
Somani, Shri S. S.
Sukhendra Singh, Shri
Suman, Shri Ramji Lal
Suraj Bhan, Shri
Surya Narain Singh, Shri
Swamy, Dr. Subramaniam
Swantantra, Shri Jagannath Prasad
Talwandi, Shri Jagdev Singh
Tan Singh, Shri
Tej Pratap Singh, Shri
Thakur, Shri Aghan Singh
Tiwari, Shri Brij Bhushan
Tiwary, Shri D. N.
Tiwary, Shri Madan
Tripathi, Shri Ram Prakash
Tur, Shri Mohan Singh
Tyagi, Shri Om Prakash
Ugrasen, Shri
Vajpayee, Shri Atal Bihari
Varma, Shri Ravindra
Vasisht, Shri Dharma Vir
Verma, Shri Brijlal
Verma, Shri Hargovind
Verma, Shri Sukhdeo Prasad
Visvanathan, Shri C. N.
Yadav, Shri Jagdambi Prasad
Yadav, Shri Ramji Lal
Yadav, Shri Sharad
Yadav, Shri Vinayak Prasad
Yadava, Shri Roop Nath Singh
Yadvendra Dutt, Shri
Yuvraj, Shri
Zulfiquarullah, Shri

MR. SPEAKER: Subject to correction, the result* of the division is: Ayes 101; Noes 293.

The motion was negatived.

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*The following Members also recorded their votes:—

AYES: Sarvashri Sarat Kar, S. G. Murugaiyan, Nanasahib Bonde, Somjibhai Damor and M. N. Govindan Nair.

NOES: Sarvashri Dhanna Singh Gulshan, Dhanik Lal Mandal, Vijay Kumar Malhotra and S. Jagannathan.

MR. SPEAKER: I put Amendment No. 26 to the House.

Amendment No. 26 was put and negatived.

MR. SPEAKER: I put Amendment No. 27 to the House.

Amendment No. 27 was put and negatived.

MR. SPEAKER. I shall now put amendment No. 103 to vote of the House.

The question is:

Page 14,—

omit lines 40 to 42. (103).

The Lok Sabha divided:

Division No. 17] [18.22 hrs.

AYES

Ahsan Jafri, Shri
Ankineedu, Shri Maganti
Ankineedu Prasada Rao, Shri
Arunachalam, Shri M.
Austin, Dr. Henry
Basu, Shri Dhirendranath
Bheeshma Dev, Shri M.
Borooah, Shri D. K.
Burman, Shri Kirit Bikram Deb
Chavan, Shrimati P.
Chavan, Shri Yeshwantrao
Chikkalingiah, Shri K.
Choudhari, Shri K. B.
Dabhi, Shri Ajitsinh
Damor, Shri Somjibhai
Deo, Shri P. K.
Deo, Shri V. Kishore Chandra S.
Desai, Shri Hitendra
Doley, Shri L. K.
Engti, Shri Biren
Faleiro, Shri Eduardo
Gamit, Shri Chhitubhai
Gode, Shri Santoshrao
Gogoi, Shri Tarun
Gopal, Shri K.
Gotkhinde, Shri Annasaheb
Hande, Shri V. G.
Haren Bhumij, Shri
Jeyalakshmi, Shrimati V.
Kamakshaiah, Shri D.
Khan, Shri Ismail Hossain
Kolur, Shri Rajshekhar
Kosalram, Shri K. T.
Lakkappa, Shri K.
Lakshminarayanan, Shri M. R.
Laskar, Shri Nihar
Mane, Shri Rajaram Shankarrao
Mirdha, Shri Nathu Ram
Mishra, Shri G .S.
Murthy, Shri M. V. Chandrashekhara
Naidu, Shri P. Rajagopal
Naik, Shri S .H.
Naik, Shri V. P.
Nair, Shri B. K.
Narayana, Shri K. S.
Patel, Shri Dwarikadas
Patil, Shri Vijaykumar N.
Patnaik, Shri Sivaji
Poojary, Shri Janardhana
Pradhani, Shri K.
Rachaiah, Shri B.
Raju, Shri P. V. G.
Ramalingam, Shri N. Kudanthai
Rao, Shrimati B. Radhabai Ananda
Rao, Shri J. Rameshwar
Rao, Shri M .S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri Pattabhi Rama
Reddi, Shri G. S.
Reddy, Shri Brahmananda
Reddy, Shri K. Obul
Reddy, Shri K. Vijaya Bhaskara
Reddy, Shri S. R.

Sathe, Shri Vasant
Seyid Muhammad, Dr. V. A.
Shankar Devi, Shri
Shrangare, Shri T. S.
Stephen, Shri C. M.
Sudheeran, Shri V. M.
Thorat, Shri Bhausaheb
Tombi Singh, Shri N.
Tulsiram, Shri V.
Unnikrishnan, Shri K. P.
Veerabhadrappa, Shri K. S.
Venkatareddy, Shri P.
Venkatasubbaiah, Shri P.

NOES

Abdul Lateef, Shri
Ahuja, Shri Subhash
Alhaj, Shri M. A. Hannan
Amat, Shri D.
Amin, Prof. R. K.
Anbalagan, Shri P.
Ansari, Shri Faquir Ali
Arif Beg, Shri
Arunachalam *alias* 'Aladi Aruna', Shri V.
Asokaraj, Shri A.
Bagri, Shri Mani Ram
Bahuguna, Shri H. N.
Bahuguna, Shrimati Kamala
Bal, Shri Pradyumna
Balak Ram, Shri
Balbir Singh, Chowdhry
Baldev Prakash, Dr.
Barakataki, Shrimati Renuka Devi
Barnala, Shri Surjit Singh
Basappa, Shri Kondajji
Bateshwar Hemram, Shri
Berwa, Shri Ram Kanwar
Bhanwar, Shri Bhagirath
Bharat Bhushan, Shri
Birendra Prasad, Shri
Borole, Shri Yashwant
Brahm Perkash, Chaudhury
Brij Raj Singh, Shri
Chakravarty, Prof. Dilip
Chand Ram, Shri
Chandan Singh, Shri
Chandra Shekhar, Shri
Chandra Shekhar Singh, Shri
Chandra Pal Singh, Shri
Chandravati, Shrimati
Chaturbhuj, Shri
Chaturvedi, Shri Shambhu Nath
Chaudhary, Shri Motibhai R.
Chaudhry, Shri Ishwar
Chaudhury, Shri Rudra Sen
Chauhan, Shri Nawab Singh
Chavda, Shri K. S.
Chhetri, Shri Chhatra Bahadur
Chowhan, Shri Bharat Singh
Chunder, Dr. Pratap Chandra
Dandavate, Prof. Madhu
Danwe, Shri Pundalik Hari
Das, Shri S .S.
Dasgupta, Shri K. N.
Dave, Shri Anant
Dawn, Shri Raj Krishna
Desai, Shri Morarji
Deshmukh, Shri Nanaji
Deshmukh, Shri Ram Prasad
Dhandayuthapani, Shri V.
Dhara, Shri Sushil Kumar
Dharai, Shri Mohan
Dhillion, Shri Iqbal Singh
Digvijoy Narain Singh, Shri
Dutt, Shri Asoke Krishna
Elanchezhian, Shri V. S.
Fazlur Rahman, Shri
Fernandes, Shri George
Ganga Bhakt Singh, Shri
Ganga Singh, Shri
Gattani, Shri R. D.
Gawai, Shri D. G.
Ghosal, Shri Sudhir
Godara, Ch. Hari Ram Makkasar
Gore, Shrimati Mrinal
Gowda, Shri S. Nanjesha

Goyal, Shri Krishna Kumar
Guha, Prof. Samar
Gulshan, Shri Dhanna Singh
Gupta, Shri Kanwar Lal
Harikesh Bahadur, Shri
Hazari, Shri Ram Sewak
Heera, Bhai, Shri

Inder Singh, Shri

Jagannathan, Shri S.
Jagjivan Ram, Shri
Jain, Shri Kacharulal Hemraj
Jain, Shri Kalyan
Jain, Shri Nirmal Chandra
Jaiswal, Shri Anant Ram
Jasrotia, Shri Baldev Singh
Joshi, Dr. Murli Manohar

Kachwai, Shri Hukam Chand
Kaiho, Shri
Kailash Prakash, Shri
Kakade, Shri Shambhajirao
Kaldate, Dr. Bapu
Kannan, Shri P.
Kapoor, Shri L. L.
Kar, Shri Sarat
*Karan Singh, Dr.
Kasar, Shri Amrut
Kaushik, Shri Purushottam
Khalsa, Shri Basant Singh
Khan, Shri Gulam Mohammad
Khan, Shri Kunwar Mahmud Ali
Khrime, Shri Rinching Khandu
Kolanthaivelu, Shri R.
Krishan Kant, Shri
Kureel, Shri Jwala Prasad
Kureel, Shri R. L.
Kushwaha, Shri Ram Naresh

Lal, Shri S.S.
Laji Bhai, Shri
Lalu Prasad, Shri
Lyngdoh, Shri Hopingstone

Machhand, Shri Raghubir Singh
Mahala, Shri K. L.
Mahale, Shri Hari Shankar
Mahi Lal, Shri
Mahishi, Dr. Sarojini
Maiti, Shrimati Abha
Malhotra, Shri Vijay Kumar
Malik, Shri Mukhtiar Singh
Mallick, Shri Rama Chandra
Mandal, Shri B. P.
Mandal, Shri Dhanik Lal
Mangal Deo, Shri
Mankar, Shri Laxman Rao
Manohar Lal, Shri
Mathur, Shri Jagdish Prasad
Mayathevar, Shri K.
Meerza, Shri Syed Kazim Ali
Mehta, Shri Prasannbhai
Mhalgi, Shri R. K.
Miri, Shri Govind Ram
Mishra, Shri Janeshwar
Mishra, Shri Shyamnandan
Mohanarangam, Shri Ragavalu
Mondal, Dr. Bijoy
Mritunjay Prasad, Shri
Multan Singh, Chaudhary
Munda, Shri Govinda
Munda, Shri Karia
Murugesan, Shri A.
Nahar, Shri Bijoy Singh
Nahata, Shri Amrit
Nair, Shri M. N. Govindan
Nathu Singh, Shri
Nayar, Shri Laxmi Narain
Nayar, Dr. Sushila
Negi, Shri T. S .
Onkar Singh, Shri
Oraon, Shri Lalu

Pandey, Shri Ambika Prasad
Pandeya, Dr. Laxminarayan
Pandit, Dr. Vasant Kumar
Parmaj Lal, Shri
Parmar, Shri Natwarlal B.
Parulekar, Shri Bapusaheb
Paswan, Shri Ram Vilas
Patel, Shri Dharmasinhbhai
Patel, Shri H. M.
Patel, Km. Maniben Vallabhbhai
Patel, Shri Meetha Lal
Patidar, Shri Rameshwar

*Wrongly voted for NOES

Patil, Shri Chandrakant
Patil, Shri S. D.
Patnaik, Shri Biju
Periasamy, Dr. P. V.
Phirangi Prasad, Shri
Pipil, Shri Mohan Lal
Pradhan, Shri Pabitra Mohan

Raghavendra Singh, Shri
Raghavji, Shri
Raghu Ramaiah, Shri K.
Rahi, Shri Ram Lal
Rai, Shri Gauri Shankar
Rai, Shri Narmada Prasad
Rai, Shri Shiv Ram
Raj Keshar Singh, Shri
Raj Narain, Shri
Rajda, Shri Ratansinh
Rakesh, Shri R. N.
Ram Charan, Shri
Ram Dhan, Shri
Ram Gopal Singh, Chaudhury
Ram Kinkar, Shri
Ram Kishan, Shri
Ram Murti, Shri
Ram Sagar, Shri
Ramachandran, Shri P.
Ramalingam, Shri P. S.
Ramapati Singh, Shri
Ramaswamy, Shri S.
Ramji Singh, Dr.
Ramjiwan Singh, Shri
Ramoowalia, Shri Balwant Singh
Rangnekar, Shrimati Ahilya P.
Rathor, Dr. Bhagwan Dass
Ravindra Pratap Singh, Shri

Rodrigues, Shri Rudolph
Saeed Murtaza, Shri
Sahoo, Shri Ainthu
Sai, Shri Larang
Sai, Shri Narhari Prasad Sukhdeo
Saini, Shri Manohar Lal
Samantasinhera, Shri Padmacharan
Saran, Shri Daulat Ram
Sarangi, Shri R. P.
Sarda, Shri S. K.
Sardar, Shri Mahendra Narayan
Sarkar, Shri S. K.
Sarsonia, Shri Shiv Narain
Satapathy, Shri Devendra
Satya Deo Singh, Shri
Sayian Wala, Shri Mohinder Singh
Sen, Shri Prafulla Chandra
Sen, Shri Robin
Shah, Shri D. P.
Shah, Shri Surath Bahadur
Shaiza, Shrimati Rano M.
Shakya, Dr. Mahadeepak Singh
Shanti Devi, Shrimati
Sharma, Shri Jagannath
Sharma, Shri Rajendra Kumar
Sharma, Shri Yagya Datt
Shastri, Shri Bhanu Kumar
Shastri, Shri Ram Dhari
Shastri, Shri Y. P.
Shejwalkar, Shri N. K.
Sheo Narain, Shri
Sher Singh, Prof.
Sheth, Shri Vinodbhai B.
Shiv Sampati Ram, Shri
Shrikrishna Singh, Shri
Shukla, Shri Madan Lal
Sikander Bakht, Shri
Singh, Dr. B. N.
Singha, Shri Sachindralal
Sinha, Shri C. M.
Sinha, Shri H. L. P.
Sinha, Shri M. P.
Sinha, Shri Purnanarayan
Sinha, Shri Satyendra Narayan
Somani, Shri Roop Lal
Somani, Shri S. S.
Somasundaram, Shri S. D.
Sukhendra Singh, Shri
Suman, Shri Ramji Lal

Suman, Shri Surendra Jha
Suraj Bhan, Shri
Surya Narain Singh, Shri
Swamy, Dr. Subramaniam
Swatantra, Shri Jagannath Prasad
Talwandi, Shri Jagdev Singh

Tan Singh, Shri
Tej Pratap Singh, Shri
Thakur, Shri Aghan Singh
Tiwari, Shri Brij Bhushan
Tiwary, Shri D. N.
Tiwary, Shri Madan
Tripathi, Shri Ram Prakash
Tur, Shri Mohan Singh
Tyagi, Shri Om Prakash

Ugrasen, Shri

Vajpayee, Shri Atal Bihari
Varma, Shri Ravindra
Vasisht, Shri Dharma Vir
Verma, Shri Brijlal
Verma, Shri Hargovind
Verma, Shri R. L. P.

Verma, Shri Sukhdeo Prasad
Visvanathan, Shri C. N.
Yadav, Shri Jagdambi Prasad
Yadav, Shri Ramji Lal
Yadav, Shri Sharad
Yadav, Shri Vinayak Prasad
Yadava, Shri Roop Nath Singh
Yadvendra Dutt, Shri
Yuvraj, Shri
Zulfiquarullah, Shri

MR. SPEAKER: Subject to correction, the result* of the Division is as follows:

Ayes:	78
Noes:	277

The motion was negatived.

MR. SPEAKER: I now put amendment Nos. 152 and 153 to clause 47 to the vote of the House. Those in favour may say 'Aye'.

SOME HON. MEMBERS: 'Aye'.

MR. SPEAKER: Those against may say 'No'.

SEVERAL HON. MEMBERS: 'No.'

SHRI P. K. DEO: 'Ayes' have it. It is a very important amendment.

MR. SPEAKER: Let the lobbies be cleared. The lobbies have been cleared. I will now put amendments Nos. 152 and 153 to clause 47 to the vote of the House. The question is:

Page 14,—

omit lines 25 to 27. (152).

Page 14,—

omit line 39. (153).

The Lok Sabha divided:

Division No. 18] **[18.28 hrs.**

AYES

Alagesan, Shri O. V.
Ankineedu, Shri Maganti
Arunachalam, Shri M.
Austin, Dr. Henry

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*The following Members also recorded their votes:—

AYES: Sarvashri Vayalar Ravi, K.Kunhambu, Nanasahib Bonde, Krishnarao Thakur, Saugat Roy, V. Alagesan, Giridhar Gorbango, R. V. Swaminathan, K. Ramamurthy, Manoranjman Bhakta, B. P. Kadam, B. Devarajan and Dr. Karan Singh.

NOES: Sarvashri Satish Agrawal, Samarendra Kundu, Ram Jethmalani, H. L. Patwary, Narendra Singh, Jena Bairagi, Durga Chand, Hukam Ram, P. Parthasarathy, R. D. Ram, Mohinder Singh, Ranjit Singh and G. M. Banatwalla.

Bhakta, Shri Manoranjan
Bheeshma Dev, Shri M.
Borooah, Shri D. K.
Chavan, Shrimati P.
Chavan, Shri Yeshwantrao
Chettri, Shri K. B.
Choudhari, Shri K. B.
Dabhi, Shri Ajitsinh
Damor, Shri Somjibhai
Deo, Shri P. K.
Devarajan, Shri B.
Engti, Shri Biren
Gamit, Shri Chhitubhai
Gogoi, Shri Tarun
Gomango, Shri Girdhar
Hande, Shri V. G.
Jeyalakshmi, Shrimati V.
Kadam, Shri B. P.
Kamakshaiah, Shri D.
Khan, Shri Ismail Hossain
Kolur, Shri Rajshekhar
Laskar, Shri Nihar
Mirdha, Shri Nathu Ram
Mishra, Shri G. S.
Murthy, Shri Kusuma Krishna
Murthy, Shri M. V. Chandrashekhara
Naidu, Shri P. Rajagopal
Naik, Shri S. H.
Naik, Shri V. P.
Nair, Shri B. K.
Patil, Shri Vijaykumar N.
Poojary, Shri Janardhana
Pradhani, Shri K.
Pullaiah, Shri Darur
Rachaiah, Shri B.
Raju, Shri P. V. G.
Ramalingam, Shri N. Kudanthai
Ramamurthy, Shri K.
Rao, Shrimati B. Radhabai Ananda
Rao, Shri J. Rameshwar
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayn
Rao, Shri Pattabhi Rama
Reddi, Shri G. S.
Reddy, Shri K. Brahmananda
Reddy, Shri K. Obul
Reddy, Shri S. R.
Sathe, Shri Vasant
Shankar Dev, Shri
Stephen, Shri C. M.
Sudheeran, Shri V. M.
Thorat, Shri Bhausaheb
Tombi Singh, Shri N.
Tulsiram, Shri V.
Veerabhadrappa, Shri K. S.
Venkataraman, Shri R.
Venkatareddy, Shri P.
Venkatasubbaiah, Shri P.

NOES

Abdul Lateef, Shri
Agrawal, Shri Satish
Ahsan Jafri, Shri
Ahuja, Shri Subhash
Alhaj, Shri M. A. Hannan
Amat, Shri D.
Amin, Prof. R. K.
Ansari, Shri Faquir Ali
Arif Beg, Shri
Asokaraj, Shri A.
Bagri, Shri Mani Ram
Bahuguna, Shri H. N.
Bahuguna, Shrimati Kamala
Bairagi, Shri Jena
Bal, Shri Pradyumna
Balak Ram, Shri
Balbir Singh, Chowdhry
Baldev Prakash, Dr.
Barakataki, Shrimati Renuka Devi
Barman, Shri Palas
Barnala, Shri Surjit Singh
Barrow, Shri A. E. T.

Basappa, Shri Kondajji
Bateshwar Hemram, Shri
Berwa, Shri Ram Kanwar
Bhanwar, Shri Bhagirath
Bhafat Bhushan, Shri
Bhattacharya, Shri Dinen
Bhattacharyya, Shri Shyamaprasanna
Birendra Prasad, Shri
Borole, Shri Yashwant
Bosu, Shri Jyotirmoy
Brahm Perkash, Chaudhury
Brij Raj Singh, Shri

Chakravarty, Prof. Dilip
Chand Ram, Shri
Chandan Singh, Shri
Chandra Shekhar, Shri
Chandra Pal Singh, Shri
Chandravati, Shrimati
Chatterjee, Shri Somnath
Chaturbhuj, Shri
Chaudhary, Shri Motibhai R.
Chaudhry, Shri Ishwar
Chaudhury, Shri Rudra Sen
Chauhan, Shri Nawab Singh
Chavda, Shri K. S.
Chikkalingiah, Shri K.
Chowhan, Shri Bharat Singh
Chunder, Dr. Pratap Chandra

Dandavate, Prof. Madhu

Danwe, Shri Pundalik Hari
Das, Shri S. S.
Das, Shri R. P.
Dave, Shri Anant
Dawn, Shri Raj Krishna
Deo, Shri V. Kishore Chandra S.
Desai, Shri Morarji
Deshmukh, Shri Nanaji
Deshmukh, Shri Ram Prasad
Dhandayuthapani, Shri V.
Dhara, Shri Sushil Kumar
Dharia, Shri Mohan

Dhillon, Shri Iqbal Singh
Digvijoy Narain Singh, Shri
Durga Chand, Shri

Dutt, Shri Asoke Krishna

Fazlur Rahman, Shri
Fernandes, Shri George

Ganga Bhakt Singh, Shri
Ganga Singh, Shri
Gattani, Shri R. D.
Gawai, Shri D. G.
Ghosal, Shri Sudhir
Godara, Ch. Hari Ram Makkasar
Gode, Shri Santoshrao
Gore, Shrimati Mrinal
Gowda, Shri S. Nanjesha
Guha, Prof. Samar
Gulshan, Shri Dhanna Singh
Gupta, Shri Kanwar Lal

Halder, Shri Krishna Chandra
Haren Bhumij, Shri
Harikesh Bahadur, Shri
Hazari, Shri Ram Sewak
Heera Bhai, Shri
Hukam Ram, Shri

Inder Singh, Shri

Jagannathan, Shri S.
Jagjivan Ram, Shri
Jain, Shri Kacharulal Hemraj
Jain, Shri Kalyan
Jain, Shri Nirmal Chandra
Jaiswal, Shri Anant Ram
Jasrotia, Shri Baldev Singh
Jethmalani, Shri Ram
Joshi, Dr. Murli Manohar

Kachwai, Shri Hukam Chand
Kaiho, Shri
Kailash Prakash, Shri
Kakade, Shri Sambhajirao
Kaldate, Dr. Bapu
Kapoor, Shri L. L.
Kar, Shri Sarat
Kasar, Shri Amrut
Kaushik, Shri Purushottam

Khalsa, Shri Basant Singh
Khan, Shri Ghulam Mohammad
Khan, Shri Kunwar Mahmud Ali
Khrime, Shri Rinching Khandu
Kishore Lal, Shri
Kisku, Shri Jadunath
Krishan Kant, Shri
Kundu, Shri Samarendra
Kureel, Shri Jwala Prasad
Kureel, Shri R. L.
Kushwaha, Shri Ram Naresh

Lal, Shri S. S.
Lalji Bhai, Shri
Lalu Prasad, Shri
Limaye, Shri Madhu
Lyngdoh, Shri Hopingstone

Machhand, Shri Raghubir Singh
Mahala, Shri K. L.
Mahale, Shri Hari Shankar
Mahata, Shri C. R.
Mahi Lal, Shri
Mahishi, Dr. Sarojini
Maiti, Shrimati Abha
Malhotra, Shri Vijay Kumar
Mallick, Shri Rama Chandra
Mandal, Shri B. P.
Mandal, Shri Dhanik Lal
Mandal, Shri Mukunda
Mangal Deo, Shri
Mathur, Shri Jagdish Prasad
Mavalankar, Prof. P. G.
Meerza, Shri Syed Kazim Ali
Mehta, Shri Prasannbhai
Mhalgi, Shri R. K.
Miri, Shri Govind Ram
Mishra, Shri Janeshwar
Mishra, Shri Shyamnandan
Modak, Shri Bijoy
Mohanarangam, Shri Ragavalu
Mohd. Hayat Ali, Shri
Mohinder Singh, Shri
Mondal, Dr. Bijoy
Mritunjay Prasad, Shri
Multan Singh, Chaudhary
Munda, Shri Govinda
Munda, Shri Karia

Nahar, Shri Bijoy Singh
Nahata, Shri Amrit
Nair, Shri M. N. Govindan
Narendra Singh, Shri
Nathu Singh, Shri
Nayak, Shri Laxmi Narain
Nayar, Dr. Sushila
Negi, Shri T. S.

Onkar Singh, Shri
Oraon, Shri Lalu

Pandey, Shri Ambika Prasad
Pandeya, Dr. Laxminarayan
Pandit, Dr. Vasant Kumar
Parmai Lal, Shri
Parmar, Shri Natwarlal B.
Parthasarathy, Shri P.
Parulekar, Shri Bapusaheb
Paswan, Shri Ram Vilas
Patel, Shri Dharmasinhbhai
Patel, Shri H. M.
Patel, Km. Maniben Vallabhbhai
Patel, Shri Meetha Lal
Patidar, Shri Rameshwar
Patil, Shri Chandrakant
Patil, Shri D. B.
Patil, Shri S. D.
Patnaik, Shri Biju
Patwary, Shri H. L.
Phirangi Prasad, Shri
Pipil, Shri Mohan Lal
Pradhan, Shri Amar Roy
Pradhan, Shri Pabitra Mohan

Raghavendra Singh, Shri
Raghavji, Shri
Rahi, Shri Ram Lal
Ral, Shri Gauri Shankar
Rai, Shri Narmada Prasad
Rai, Shri Shiv Bam
Raj Keshar Singh, Shri

Raj Narain, Shri
Rajda, Shri Ratansinh
Rakesh, Shri R. N.
Ram, Shri R. D.
Ram Charan, Shri
Ram Dhan, Shri
Ram Kinkar, Shri
Ram Murti, Shri
Ram Sagar, Shri
Ramachandran, Shri P.
Ramapati Singh, Shri
Ramji Singh, Dr.
Ramoowalia, Shri Balwant Singh
Rangnekar, Shrimati Ahilya P.
Ranjit Singh, Shri
Rathor, Dr. Bhagwan Dass
Ravindra Pratap Singh, Shri
Reddy, Shri G. Narsimha
Rodrigues, Shri Rudolph
Roy, Dr. Saradish
Saeed Murtaza, Shri
Saha, Shri A. K.
Saha, Shri Gadadhar
Sai, Shri Larang
Sai, Shri Narhari Prasad Sukhdeo
Saini, Shri Manohar Lal
Samantasinhera, Shri Padmacharan
Sanyal, Shri Sasankasekhar
Saran, Shri Daulat Ram
Sardar, Shri Mahendra Narayan
Sarsonia, Shri Shiv Narain
Satapathy, Shri Devendra
Satya Deo Singh, Shri
Sayian Wala, Shri Mohinder Singh
Sen, Shri Prafulla Chandra
Sen, Shri Robin
Shah, Shri D. P.
Shah, Shri Surath Bahadur
Shaiza, Shrimati Rano M.
Shakya, Dr. Mahadeepak Singh
Shanti Devi, Shrimati
Sharma, Shri Jagannath
Sharma, Shri Rajendra Kumar
Sharma, Shri Yagya Datt
Shastri, Shri Bhanu Kumar
Shastri, Shri Ram Dhari
Shastri, Shri Y. P.
Shejwalkar, Shri N. K.
Sheo Narain, Shri
Sher Singh, Prof.
Sheth, Shri Vinodbhai B.
Shiv Sampati Ram, Shri
Shrangare, Shri T. S.
Shukla, Shri Madan Lal
Sikander Bakht, Shri
Singh, Dr. B. N.
Singha, Shri Sachindralal
Sinha, Shri C. M.
Sinha, Shri H. L. P.
Sinha, Shri M. P.
Sinha, Shri Purnanarayan
Sinha, Shri Satyendra Narayan
Somani, Shri Roop Lal
Somani, Shri S. S.
Sukhendra Singh, Shri
Suman, Shri Ramji Lal
Suman, Shri Surendra Jha
Suraj Bhan, Shri
Surya Narain Singh, Shri
Swamy, Dr. Subramaniam
Swatantra, Shri Jagannath Prasad

Talwandi, Shri Jagdev Singh
Tan Singh, Shri
Tej Pratap Singh, Shri
Thakur, Shri Aghan Singh
Tiwari, Shri Brij Bhushan
Tiwary, Shri D. N.
Tiwary, Shri Madan
Tohra, Shri G. S.
Tripathi, Shri Ram Prakash
Tur, Shri Mohan Singh
Tyagi, Shri Om Prakash

Ugrasen, Shri

Vajpayee, Shri Atal Bihari
Varma, Shri Ravindra

Vasisht, Shri Dharma Vir
Verma, Shri Brijlal
Verma, Shri Hargovind
Verma, Shri R. L. P.
Verma, Shri Sukhdeo Prasad
Visvanathan, Shri C. N.

Yadav, Shri Jagdambi Prasad
Yadav, Shri Ramji Lal
Yadav, Shri Sharad
Yadav, Shri Vinayak Prasad
Yadava, Shri Roop Nath Singh
Yadvendra Dutt, Shri
Yuvraj, Shri

MR. SPEAKER: Subject to correction, the result* of the division is: Ayes 62, Noes 289. "Noes" have it.

The motion was negatived.

MR. SPEAKER: I will now put amendment Nos. 167 and 168 by Shri R. Venkataraman to the vote of the House. The question is:

Page 14,—

omit lines 20 to 27. (167).

Page 14,—

omit lines 39 to 42. (168).

The Lok Sabha divided.

Division No. 19] [18.31 hrs.

AYES

Ankineedu, Shri Maganti
Arunachalam, Shri M.
Austin, Dr. Henry

Barrow, Shri A. E. T.
Basu, Shri Dhirendranath
Bhakta, Shri Monoranjan
Bheeshma Dev, Shri M.
Borroah, Shri D. K.
Chavan, Shrimati P.
Chavan, Shri Yeshwantrao
Chettri, Shri K. B.
Chikkalingiah, Shri K.
Choudhari, Shri K. B.

Damor, Shri Somjibhai
Devarajan, Shri B.
Doley, Shri L. K.

Engti, Shri Biren

Gamit, Shri Chhitubhai
Gogoi, Shri Tarun
Gomango, Shri Giridhar
Gotkhinde, Shri Annasaheb

Jeyalakshmi, Shrimati V.

Kadam, Shri B. P.
Kamakshaiah, Shri D.
Khan, Shri Ismail Hossain
Kolur, Shri Rajshekhar

Laskar, Shri Nihar

Mirdha, Shri Nathu Ram
Mishra, Shri G. S.
Murthy, Shri Kusuma Krishna
Murthy, Shri M. V. Chandrashekhara

Naidu, Shri P. Rajagopal
Naik, Shri S. H.
Naik, Shri V. P.
Nair, Shri B. K.

Patil, Shri Vijaykumar N.
Poojary, Shri Janardhana
Pullaiah, Shri Darur

Rachaiah, Shri B.
Raju, Shri P. V. G.
Ramalingam, Shri N. Kudanthai
Ramamurthy, Shri K.

*The following Members also recorded their votes for NOES:— Sarvashri Krishna Kumar Goyal, Zulfiquarullah, Hukmdeo Narain Yadav, Ramjiwan Singh, Chandra Shekhar Singh, Laxman Rao Mankar, K. Raghu Ramaiah, A. K. Roy, Ainthu Sahoo, Vayalar Ravi, Nanasahib Bonde and Shrikrishna Singh.

Rao, Shrimati B. Radhabai Ananda
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri Pattabhi Rama
Reddi, Shri G. S.
Reddy, Shri G. Narsimha
Reddy, Shri K. Obul
Reddy, Shri S. R.
Sathe, Shri Vasant
Shankar Dev, Shri
Stephen, Shri C. M.
Thorat, Shri Bhausaheb
Tombi Singh, Shri N.
Tulsiram, Shri V.
Veerabhadrappa, Shri K. S.
Venkataraman, Shri R.
Venkatareddy, Shri P.
Venkatasubbaiah, Shri P.

NOES

Abdul Lateef, Shri
Agrawal, Shri Satish
*Ahsan Jafri, Shri
Ahuja, Shri Subhash
Alhaj, Shri M. A. Hannan
Amat, Shri D.
Amin, Prof. R. K.
Arif Beg, Shri
Asokaraj, Shri A.
Bagri, Shri Mani Ram
Bahuguna, Shri H. N.
Bahuguna, Shrimati Kamala
Bairagi, Shri Jena
Bal, Shri Pradyumna
Balak Ram, Shri
Balbir Singh, Chowdhry
Baldev Prakash, Dr.
Barakataki, Shrimati Renuka Devi
Barman, Shri Palas
Barnala, Shri Surjit Singh
Basappa, Shri Kondajji
Bateshwar Hemram, Shri
Berwa, Shri Ram Kanwar
Bhagat Ram, Shri
Bhanwar Shri Bhagirath
Bharat Bhushan, Shri
Birendra Prasad, Shri
Borole, Shri Yashwant
Brahm Perkash, Chudhury
Brij Raj Singh, Shri
Burande, Shri Gangadhar Appa
Chakravarty, Prof. Dilip
Chandan Singh, Shri
Chandra Shekhar, Shri
Chandra Shekhar Singh, Shri
Chandra Pal Singh, Shri
Chandravati, Shrimati
Chatterjee, Shri Somnath
Chaudhary, Shri Motibhai R.
Chaudhury, Shri Rudra Sen
Chauhan, Shri Nawab Singh
Chavda, Shri K. S.
Chunder, Dr. Pratap Chandra
Dabhi, Shri Ajitsinh
Dandavate, Prof. Madhu
Danwe, Shri Pundalik Hari
Das, Shri S. S.
Dave, Shri Anant
Dawn, Shri Raj Krishna
Deo, Shri V. Kishore Chandra S.
Desai, Shri Morarji
Deshmukh, Shri Nanaji
Deshmukh, Shri Ram Prasad
Dhandayuthapani, Shri V.
Dhara, Shri Sushil Kumar
Dharia, Shri Mohan
Dhillon, Shri Iqbal Singh
Digvijoy Narain Singh, Shri
Durga Chand, Shri
Dutt, Shri Asoke Krishna
*Faleiro, Shri Eduardo
Fazlur Rahman, Shri
Fernandes, Shri George

*Wrongly voted for NOES.

Ganga Bhakt Singh, Shri
Ganga Singh, Shri
Gattani, Shri R. D.
Gawai, Shri D. G.
Ghosal, Shri Sudhir
Girjanandan Singh, Shri
*Gode, Shri Santoshrao
Gore, Shrimati Mrinal
Goswami, Shrimati Bibha Ghosh
Goyal, Shri Krishna Kumar
Guha, Prof. Samar
Gupta, Shri Kanwar Lal
Halder, Shri Krishna Chandra
Hazari, Shri Ram Sewak
Heera Bhai, Shri
Hukam Ram, Shri
Inder Singh, Shri
Jagjivan Ram, Shri
Jain, Shri Kacharulal Hemraj
Jain, Shri Kalyan
Jain, Shri Nirmal Chandra
Jaiswal, Shri Anant Ram
Jasrotia, Shri Baldev Singh
Jethmalani, Shri Ram
Joshi, Dr. Murli Manohar
Kachwai, Shri Hukam Chand
Kaiho, Shri
Kailash Prakash, Shri
Kaldate, Dr. Bapu
Kapoor, Shri L. L.
Kar, Shri Sarat
Kasar, Shri Amrut
Kaushik, Shri Purushottam
Khalsa, Shri Basant Singh
Khan, Shri Kunwar Mahmud Ali
Kishore Lal, Shri
Kishu, Shri Jadunath
Krishan Kant, Shri
Kundu, Shri Samarendra
Kureel, Shri Jwala Prasad
Lahanu Shidava Kom, Shri
Lal, Shri S. S.
Lalji Bhai, Shri
Lalu Prasad, Shri
Limaye, Shri Madhu
Lyngdoh, Shri Hopingstone
Machhand, Shri Raghubir Singh
Mahala, Shri K. L.
Mahale, Shri Hari Shankar
Mahata, Shri C. R.
Mahi Lal, Shri
Mahishi, Dr. Sarojini
Maiti, Shrimati Abha
Malhotra, Shri Vijay Kumar
Mallick, Shri Rama Chandra
Mandal, Shri B. P.
Mandal, Shri Dhanik Lal
Mandal, Shri Mukunda
Mane, Shri Rajaram Shankarrao
Mangal Deo, Shri
Mankar, Shri Laxman Rao
Mathur, Shri Jagdish Prasad
Mavalankar, Prof. P. G.
Meerza, Shri Syed Kazim Ali
Mehta, Shri Prasannbhai
Mhalgi, Shri R. K.
Miri, Shri Govind Ram
Mishra, Shri Shyamnandan
Mohd. Hayat Ali, Shri
Mohinder Singh, Shri
Mondal, Dr. Bijoy
Mritunjay Prasad, Shri
Multan Singh, Chaudhary
Munda, Shri Govinda
Munda, Shri Karia
Nahar, Shri Bijoy Singh
Nahata, Shri Amrit
Nair, Shri M. N. Govindan
Narayana, Shri K. S.
Narendra Singh, Shri
Nathu Singh, Shri

*Wrongly voted for NOES.

Nayak, Shri Laxmi Narain
Nayar, Dr. Sushila
Negi, Shri T. S.
Onkar Singh, Shri
Oraon, Shri Lalu
Pandey, Shri Ambika Prasad
Pandeya, Dr. Laxminarayan
Pandit, Dr. Vasant Kumar
Parmai Lal, Shri
Parmar, Shri Natwarlal B.
Parthasarathy, Shri P.
Parulekar, Shri Bapusaheb
Paswan, Shri Ram Vilas
Patel, Shri Dharmasinhbhai
Patel Shri H. M.
Patel, Km. Maniben Vallabhbhai
Patel, Shri Meetha Lal
Patidar, Shri Rameshwar
Patil, Shri Chandrakant
Patil, Shri S. D.
Patnaik, Shri Biju
Phirangi Prasad, Shri
Pipil, Shri Mohan Lal
Pradhan, Shri Pabitra Mohan
Raghu Ramaiah, Shri K.
Rahi, Shri Ram Lal
Rai, Shri Narmada Prasad
Rai, Shri Shiv Ram
Raj Keshar Singh, Shri
Raj Narain, Shri
Rajda, Shri Ratansinh
Ram, Shri R. D.
Ram Charan, Shri
Ram Dhan, Shri
Ram Kinkar, Shri
Ram Murti, Shri
Ram Sagar, Shri
Ramachandran, Shri P.
Ramapati Singh, Shri
Ramjiwan Singh Shri
Rangnekar, Shrimati Ahilya P.
Rathor, Dr. Bhagwan Dass
Ravindra Pratap Singh, Shri
Rodrigues, Shri Rudolph
Sahoo, Shri Alnthu
Sai, Shri Larang
Saran, Shri Daulat Ram
Sarda, Shri S. K.
Sardar, Shri Mahendra Narayan
Sarsonia, Shri Shiv Narain
Satapathy, Shri Devendra
Satya Deo Singh, Shri
Sayian Wala, Shri Mohinder Singh
Sen, Shri Prafulla Chandra
Shah, Shri D. P.
Shah, Shri Surath Bahadur
Shaiza, Shrimati Rano M.
Shakya, Dr. Mahadeepak Singh
Sharma, Shri Jagannath
Sharma, Shri Rajendra Kumar
Sharma, Shri Yagya Datt
Shastri, Shri Bhanu Kumar
Shastri, Shri Ram Dhari
Shastri, Shri Y. P.
Shejwalkar, Shri N. K.
Sheo Narain, Shri
Sher Singh, Prof.
Shiv Sampati Ram, Shri
Shrikrishna Singh, Shri
Shukla, Shri Madan Lal
Sikander Bakht, Shri
Singh, Dr. B. N.
Singha, Shri Sachindralal
Sinha, Shri C. M.
Sinha, Shri H. L. P.
Sinha, Shri M. P.
Sinha, Shri Purnanarayan
Sinha, Shri Satyendra Narayan
Somani, Shri Roop Lal
Somani, Shri S. S.
Sudheeran, Shri V. M.
Sukhendra Singh, Shri
Suman, Shri Surendra Jha
Sunna Sahib, Shri A.
Surya Narain Singh, Shri
Swamy, Dr. Subramaniam
Swatantra, Shri Jagannath Prasad

Tan Singh, Shri
Tej Pratap Singh, Shri
Thakur, Shri Aghan Singh
Tiwari, Shri Brij Bhushan
Tiwary, Shri D. N.
Tiwary, Shri Madan
Tohra, Shri G. S.
Tripathi, Shri Ram Prakash
Ugrasen, Shri
Vajpayee, Shri Atal Bihari
Vasisht, Shri Dharma Vir
Verma, Shri Brijlal
Verma, Shri Hargovind
Verma, Shri R. L. P.
Verma, Shri Sukhdeo Prasad
Visvanathan, Shri C. N.
Yadav, Shri Hukmdeo Narain
Yadv, Shri Jagdambi Prasad
Yadav, Shri Ramji Lal
Yadav, Shri Sharad
Yadava, Shri Roop Nath Singh
Yadvendra Dutt, Shri
Yuvraj, Shri
Zulfiquarullah, Shri

MR. SPEAKER: Subject to correction, the result* of the division is: Ayes 60; Noes 255. The "Noes" have it.

The motion was negatived.

MR. SPEAKER: I put Amendment No. 180 of Shri Banatwalla to the vote of the House.

Amendment No. 180 was put and negatived.

MR. SPEAKER: Amendment No. 360 of Shri Hari Vishnu Kamath.

SHRI HARI VISHNU KAMATH: I am pressing it. You kindly read out the amendment.

MR SPEAKER: It reads:—

Page 14, line 42,—

add at the end—

";technical education, medical education'

Now, I put it to the vote of the House.

Amendment No. 360 was put and negatived.

MR. SPEAKER: Amendment No. 370 moved by Shri Narsimha Reddy.

SHRI G. NARSIMHA REDDY: I am not pressing.

MR. SPEAKER: Has he the leave of the House to withdraw the amendment?

SREVERAL HON. MEMBERS: Yes.

Amendment No. 370 was, by leave, withdrawn

MR. SPEAKER: Amendment No. 378; Shri Arunachalam—not present. I put it to vote.

Amendment No. 378 was put and negatived.

Clause 48

MR. SPEAKER: Clause 48. Amendment No. 28 by Shri Dinen Bhattacharya.

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*The following Members also recorded their votes:—

AYES: Sarvashri P. K. Deo, Vayalar Ravi, P. Ankineedu Prasada Rao, Nanasahib Bonde, K. Pradhani, K. T. Kosalram, Santoshrao Gode, Ahsan Jafri and Eduardo Faleiro.

NOES: Sarvashri Ravindra Varma, Chand Ram, Janeshwar Mishra, Narhari Prasad Sukhdeo Sai, Vinayak Prasad Yadav, Vinodbhai B. Sheth, Faquir Ali Ansari, Om Prakash Tyagi, Jagdev Singh Talwandi, Ram Naresh Kushwaha, Bharat Singh Chowhan, Chaturbhuj, Manohar Lal Saini, Balwant Singh Ramoowalia, Samar Mukherjee, Gauri Shankar Rai, Dajiba Desai, R. Mohanarangam, Mohan Singh Tur, Dr Ramji Singh and Ch. Hari Ram Makkasar Godara.

SHRI DINEN BHATTACHARYA: I am pressing it.

MR. SPEAKER: I put it to vote.

Amendment No. 28 was put and negatived.

MR. SPEAKER: Amendment No. 266 by Shri Ram Jethmalani.

SHRI RAM JETHMALANI: I am not pressing for it.

MR. SPEAKER: Has he the leave of the House to withdraw his amendment?

SEVERAL HON. MEMBERS: Yes.

Amendment No. 266 was, by leave, withdrawn.

Clause 49

MR. SPEAKER: Clause 49. Amendment No. 234 by Shrimati Parvathi Krishnan—not present. I put it to vote.

Amendment No. 234 was put and negatived.

MR. SPEAKER: Clause 1A (New), Amendment No. 371 by Shri Shankar Dev.

SHRI SHANKAR DEV: I am pressing.

MR. SPEAKER: I put it to vote.

Amendment No. 371 was put and negatived.

Clause 1

MR. SPEAKER: Clause 1, there is Government Amendment No. 204. The question is:

Page 1, line 3,—

for "Forty-fifth" *substitute* "Forty-fourth" (204)

The motion was adopted.

MR. SPEAKER: The Amendments moved to the Clauses have been disposed of. Now, with the permission of the House, I will put all the Clauses together unless any member wants any particular clause to be put separately.

SHRI VAYALAR RAVI: On a point of order, Sir. So far as the Constitution Amendment Bill is concerned, the rule says that every clause must be put to vote separately.

MR. SPEAKER: No, that is not the rule.

SHRI C. M. STEPHEN: That is right.

The rule says:

"Provided that the Speaker may, with the concurrence of the House put clauses and/or schedules, or clauses and/or schedules as amended, as the case may be, together to the vote of the House in which case the result of voting shall be taken as applicable to each clause or schedule separately and so indicated in the proceedings;"

That is the rule.

MR. SPEAKER: I shall now read out the Clauses which the Members want to be put separately. These are Clauses 2, 3, 8, 9, 11, 35, 38, 44, 45 and 47.

Before I take up Clause 2, I may inform the House that the automatic voting device can take only six more, it cannot take more than six, therefore, the rest of the Divisions will bo by distribution of chits.

Now, we take up Clause 2. I will first read out the Clause:

"2. In article 19 of the Constitution,—

(a) in clause (1),—

(i) in sub-clause (3) the word "and" shall be inserted at the end;

(ii) sub-clause (f) shall be omitted;

(b) in clause (5), for the words, brackets and letters "sub-clauses (d), (e) and (f)", the words, brackets and letters "sub-clauses (d) and (e)" shall be substituted."

[Mr. Speaker]

Before I put Clause 2 to the vote of the House, I may inform the House that this being a Constitutional Amendment, the voting has to be by division. Let the lobbies be cleared... Now, the lobbies are cleared.

The question is:

"That Clause 2 stand part of the Bill."

The Lok Sabha divided.

Division No. 20] **[18.44 hrs.**

AYES

Agrawal, Shri Satish
Ahsan Jafri, Shri
Alhaj, Shri M. A. Hannan
Amat, Shri D.
Amin, Prof. R. K.
Anbalagan, Shri P.
Ankineedu Prasada Rao, Shri
Ansari, Shri Faquir Ali
Arif Beg, Shri
Arunachalam, Shri M.
Arunachalam alias 'Aladi Aruna', Shri V.
Asokaraj, Shri A.
Austin, Dr. Henry
Badri Narayan, Shri A. R.
Bagri, Shri Mani Ram
Bahuguna, Shri H. N.
Bahuguna, Shrimati Kamala
Bairagi, Shri Jena
Bal, Shri Pradvumna
Balak Ram, Shri
Balbir Singh, Chowdhry
Baldev Prakash, Dr.
Barakataki, Shrimati Renuka Devi
Barman, Shri Palas
Barnala, Shri Surjit Singh
Barrow, Shri A. E. T.
Basappa, Shri Kondajji
Basu, Shri Chitta
Basu, Shri Dhirendranath
Bateshwar Hemram, Shri
Berwa, Shri Ram Kanwar
Bhagat Ram, Shri
Bhakta, Shri Manoranjan
Bhanwar, Shri Bhagirath
Bharat Bhushan, Shri
Bhattacharya, Shri Dinen
Bheeshma Dev, Shri M.
Birendra Prasad, Shri
Borole, Shri Yashwant
Borooah, Shri D. K.
Bosu, Shri Jyotirmoy
Brahm Perkash, Chaudhury
Brij Raj Singh, Shri
Burande, Shri Gangadhar Appa
Burman, Shri Kirit Bikram Deb
Chakravarty, Prof. Dilip
Chand Ram, Shri
Chandan Singh, Shri
Chandra Shekhar, Shri
Chandra Shekhar Singh, Shri
Chandra Pal Singh, Shri
Chandrappan, Shri C. K.
Chandravati, Shrimati
Chatterjee, Shri Somnath
Chaturbhuj, Shri
Chaturvedi, Shri Shambhu Nath
Chaudhary, Shri Motibhai R.
Chaudhury, Shri Tridib
Chaudhury, Shri Rudra Sen
Chauhan, Shri Nawab Singh
Chavan, Shrimati P.
Chavan, Shri Yeshwantrao
Chavda, Shri K. S.
Chhetri, Shri Chhatra Bahadur
Chikkalingiah, Shri K.
Choudhari, Shri K. B.
Chowhan, Shri Bharat Singh
Chunder, Dr. Pratap Chandra
Dabhi, Shri Ajitsinh
Damor, Shri Somjibhai
Dandavate, Prof. Madhu

Danwe, Shri Pundalik Hari
Das, Shri S. S.
Das, Shri R. P.
Dasgupta, Shri K. N.
Dave, Shri Anant
Dawn, Shri Raj Krishna
Deo, Shri V. Kishore Chandra S.
Desai, Shri Dajiba
Desai, Shri Morarji
Deshmukh, Shri Nanaji
Devarajan, Shri B.
Dhandayuthapani, Shri V.
Dhara, Shri Sushil Kumar
Dharia, Shri Mohan
Dhillon, Shri Iqbal Singh
Digvijoy Narain Singh, Shri
Doley, Shri L. K.
Dutt, Shri Asoke Krishna

Elanchezhian, Shri V. S.
Engti, Shri Biren

Faleiro, Shri Eduardo
Fazlur Rahman, Shri
Fernandes, Shri George

Gamit, Shri Chhitubhai
Ganga Bhakt Singh, Shri
Ganga Singh, Shri
Gattani, Shri R. D.
Gawai, Shri D. G.
Ghosal, Shri Sudhir
Girjanandan Singh, Shri
Godara, Ch. Hari Ram Makkasar
Gode, Shri Santoshrao
Gogoi, Shri Tarun
Gomango, Shri Giridhar
Gopal, Shri K.
Gore, Shrimati Mrinal
Goswami, Shrimati Bibha Ghosh
Gotkhinde, Shri Annasaheb
Gowda, Shri S. Nanjesha
Goyal, Shri Krishna Kumar
Guha, Prof. Samar
Gulshan, Shri Dhanna Singh
Gupta, Shri Kanwar Lal

Halder, Shri Krishna Chandra
Hande, Shri V. G.
Haren Bhumij, Shri
Harikesh Bahadur, Shri
Hazari, Shri Ram Sewak
Heera Bhai, Shri
Hukam Ram, Shri

Jagannathan, Shri S.
Jagjivan Ram, Shri
Jain, Shri Kacharulal Hemraj
Jain, Shri Kalyan
Jain, Shri Nirmal Chandra
Jaiswal, Shri Anant Ram
Jasrotia, Shri Baldev Singh
Jethmalani, Shri Ram
Jeyalakshmi, Shrimati V.
Joshi, Dr. Murli Manohar

Kachwai, Shri Hukam Chand
Kadam, Shri B. P.
Kadannappalli, Shri Ramachandran
Kaiho, Shri
Kailash Prakash, Shri
Kakade, Shri Sambhajirao
Kaldate, Dr. Bapu
Kamakshaiah, Shri D.
Kamble, Shri B. C.
Kannan, Shri P.
Kapoor, Shri L. L.
Kar, Shri Sarat
Kasar, Shri Amrut
Kaushik, Shri Purushottam
Khalsa, Shri Basant Singh
Khan, Shri Ismail Hossain
Khan, Shri Kunwar Mahmud Ali
Kidwai, Shrimati Mohsina
Khrime, Shri Rinching Khandu
Kishore Lal, Shri
Kisku, Shri Jadunath
Kodiyan, Shri P. K.
Kolanthaivelu, Shri R.
Kolur, Shri Rajshekhar
Kosalram, Shri K. T.
Krishan Kant, Shri

Krishnan, Shrimati Parvathi
Kundu, Shri Samarendra
Kunhambu, Shri K.
Kureel, Shri Jwala Prasad
Kureel, Shri R. L.
Lahanu Shidava Kom, Shri
Lakshminarayanan, Shri M. R.
Lal, Shri S. S.
Lalji Bhai, Shri
Lalu Prasad, Shri
Laskar, Shri Nihar
Limaye, Shri Madhu
Lyngdoh, Shri Hopingstone
Mahala, Shri K. L.
Mahale, Shri Hari Shankar
Mahata, Shri C. R.
Mahi Lal, Shri
Malhotra, Shri Vijay Kumar
Mallanna, Shri K.
Mallick, Shri Rama Chandra
Mandal, Shri B. P.
Mandal, Shri Dhanik Lal
Mandal, Shri Mukunda
Mane, Shri Rajaram Shankarrao
Mangal Deo, Shri
Mankar, Shri Laxman Rao
Manohar Lal, Shri
Mathur, Shri Jagdish Prasad
Mavalankar, Proof. P. G.
Mayathevar, Shri K.
Meerza, Shri Syed Kazim Ali
Mehta, Shri Prasannbhai
Mhalgi, Shri R. K.
Miri, Shri Govind Ram
Mishra, Shri G. S.
Mishra, Shri Janeshwar
Mishra, Shri Shyamnandan
Modak, Shri Bijoy
Mohanarangam, Shri Ragavalu
Mohd. Hayat Ali, Shri
Mohinder Singh, Shri
Mondal, Dr. Bijoy
Mritunjay Prasad, Shri
Multan Singh, Chaudhary
Munda, Shri Karia
Murthy, Shri Kusuma Krishna
Murthy, Shri M. V. Chandrashekhara
Murugaiyan, Shri S. G.
Murugesan, Shri A.
Nahar, Shri Bijoy Singh
Nahata, Shri Amrit
Naidu, Shri P. Rajagopal
Naik, Shri V P.
Nair, Shri B. K.
Nair, Shri M. N. Govindan
Narayana, Shri K. S.
Nathu Singh, Shri
Nayak, Shri Laxmi Narain
Nayar, Dr. Sushila
Negi, Shri T. S.
Onkar Singh, Shri
Oraon, Shri Lalu
Pandey, Shri Ambika Prasad
Pandeya, Dr. Laxminarayan
Parmai Lal, Shri
Parmar, Shri Natwarlal B.
Parthasarathy, Shri P.
Parulekar, Shri Bapusaheb
Paswan, Shri Ram Vilas
Patel, Shri Dharmasinhbhai
Patel, Km. Maniben Vallabhbhai
Patel, Shri Meetha Lal
Patidar, Shri Rameshwar
Patil, Shri Chandrakant
Patil, Shri S. D.
Patnaik, Shri Biju
Patnaik, Shri Sivaji
Patwary, Shri H. L.
Periasamy, Dr. P. V
Pipil, Shri Mohan Lal
Poojary, Shri Janardhana
Pradhan, Shri Amar Roy
Pradhan, Shri Pabitra Mohan

Pradhani, Shri K
Pullaiah, Shri Darur

Rachaiah, Shri B.
Raghavji, Shri
Raghu Ramaiah, Shri K.
Rahi, Shri Ram Lal
Rai, Shri Gauri Shankar
Rai, Shri Narmada Prasad
Raj Kesar Singh, Shri
Raj Narain, Shri
Rajan, Shri K. A.
Rajda, Shri Ratansinh
Raju, Shri P. V. G.
Rakesh, Shri R. N
Ram, Shri R D
Ram Charan, Shri
Ram Dhan, Shri
Ram Kinkar, Shri
Ram Kishan, Shri
Ram Murti, Shri
Ram Sagar, Shri
Ramalingam, Shri N. Kudanthai
Ramalingam, Shri P. S.
Ramamurthy, Shri K.
Ramapati Singh, Shri
Ramaswamy, Shri S.
Ramji Singh, Dr.
Ramjiwan Singh, Shri
Ramoowalia, Shri Balwant Singh
Rangnekar, Shrimati Ahilya P.
Rao, Shrimati B. Radhabai Ananda
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao,, Shri Pattabhi Rama
Rathawa, Shri Amarsinh V.
Rathor, Dr. Bhagwan Dass
Ravi, Shri Vayalar
Ravindra Pratap Singh, Shri
Reddi, Shri G. S.
Reddy, Shri G. Narsimha
Reddy, Shri K. Brahmananda
Reddy, Shri K. Obul
Reddy, Shri S. R.
Rodrigues, Shri Rudolph
Roy, Shri A. K.
Roy, Dr. Saradish
Roy, Shri Saugata
Saha, Shri Gadadhar
Sahoo, Shri Ainthu
Sai, Shri Larang
Sai, Shri Narhari Prasad Sukhdeo
Saini, Shri Manohar Lal
Samantasinhera, Shri Padmacharan
Sanyal, Shri Sasankasekhar
Saran, Shri Daulat Ram
Sarangi, Shri R. P.
Sarda, Shri S. K.
Sardar, Shri Mahendra Narayan
Sarkar, Shri S. K.
Sarsonia, Shri Shiv Narain
Satapathy, Shri Devendra
Sathe, Shri Vasant
Satya Deo Singh, Shri
Sayian Wala, Shri Mohinder Singh
Sen, Shri Prafulla Chandra
Sen, Shri Robin
Seyid Muhammad, Dr. V.A.
Shah, Shri D. P.
Shah, Shri Surath Bahadur
Shaiza, Shrimati Rano M.
Shakya, Dr. Mahadeepak Singh
Shankar Dev, Shri
Sharma, Shri Rajendra Kumar
Sharma, Shri Yagya Datt
Shastri, Shri Bhanu Kumar
Shastri, Shri Y. P.
Shejwalkar, Shri N. K.
Sheo Narain, Shri
Sher Singh, Prof.
Sheth, Shri Vinodbhai B.
Shiv Sampati Ram, Shri
Shrangare, Shri T. S.
Shrikrishna Singh, Shri
Sikander Bakht, Shri

Singh, Dr. B. N.
Sinha, Shri C. M.
Sinha, Shri H. L. P.
Sinha, Shri M. P.
Sinha, Shri Purnanarayan
Sinha, Shri Satyendra Narayan
Somani, Shri Roop Lal
Somani, Shri S. S.
Somasundaram, Shri S. D.
Stephen, Shri C. M.
Sukhendra Singh, Shri
Suman, Shri Ramji Lal
Suman, Shri Surendra Jha
Suraj Bhan, Shri
Surya Narain Singh, Shri
Swamy, Dr. Subramaniam
Swatantra, Shri Jagannath Prasad
Talwandi, Shri Jagdev Singh
Tan Singh, Shri
Tej Pratap Singh, Shri
Thakur, Shri Aghan Singh
Thakur, Shri Krishnarao
Thorat, Shri Bhausaheb
Tirkey, Shri Pius
Tiwary, Shri D. N.
Tiwary, Shri Madan
Tohra, Shri G. S.
Tombi Singh, Shri N.
Tripathi, Shri Ram Prakash
Tulsiram, Shri V.
Tur, Shri Mohan Singh
Tyagi, Shri Om Prakash
Ugrasen, Shri
Unnikrishnan, Shri K. P.
Vajpayee, Shri Atal Bihari
Varma, Shri Ravindra
Vasisht, Shri Dharma Vir
Veerabhadrappa, Shri K. S.
Venkataraman, Shri R.
Venkatareddy, Shri P.
Venkatasubbaiah, Shri P.
Verma, Shri Brijlal
Verma, Shri Hargovind
Verma, Shri R. L. P.
Verma, Shri Sukhdeo Prasad
Visvanathan, Shri C. N.
Yadav, Shri Hukmdeo Narain
Yadav, Shri Jagdambi Prasad
Yadav, Shri Ramji Lal
Yadav, Shri Sharad
Yadav, Shri Vinayak Prasad
Yadava, Shri Roop Nath Singh
Yadvendra Dutt, Shri
Yuvraj, Shri
Zulfiquarullah, Shri

NOES

Deo, Shri P. K.
*Inder Singh, Shri
*Maiti, Shrimati Abha
Mirdha, Shri Nathu Ram
*Munda, Shri Govinda
*Patel, Shri H. M.
*Ramachandran, Shri P.
Rao, Shri J. Rameshwara
*Shanti Devi, Shrimati
*Shastri, Shri Ram Dhari
Sunna Sahib, Shri A.

*Wrongly voted for NOES.

MR. SPEAKER: Subject to correction, the result* of the Division is: Ayes—379, Noes—11.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3

SHRI VAYALAR RAVI: Before you call for a division, please ask for Ayes and Noes again. Otherwise, members will get confused.

MR. SPEAKER: Now I will read out clause 3.... (*Interruptions*) No, no. I have got to read it.

"No law providing for preventive detention shall authorise the detention of a person for a longer period than two months...."

Now, you know what the substance of the clause is.

Before I put clause 3 to the vote of the House, this being a Constitution Amendment Bill, voting has to be by division. Let the Lobbies be cleared.

MR. SPEAKER: The question is:

"That Clause 3 stand part of the Bill".

SHRI C. M. STEPHEN: The point is this. It is only to give direction to the Members. You say let the lobbies be cleared. And then you put it for the second time.

MR. SPEAKER: In the Constitutional amendment there must be the question put—Ayes have it; Noes have it.

SHRI C. M. STEPHEN: We shall be glad to give the indication 'Ayes' or 'Noes'. Otherwise, we are taken by surprise.

SHRI SHANTI BHUSHAN: But the Division is explained in Rule 367. I quote:

"On the conclusion of debate, the Speaker shall put the question and invite those who are in favour of the motion to say 'Aye' and those against the motion to say 'No'."

MR. SPEAKER: That is all right. Now I shall put it.

The question is:

"That Clause 3 stand part of the Bill".

The Lok Sabha divided:

Division No. 21] [18.51 hrs.

AYES

Abdul Lateef, Shri
Agrawal, Shri Satish
Ahsan Jafri, Shri
Ahuja, Shri Subhash
Alagesan, Shri O. V.
Alhaj, Shri M. A. Hannan
Amat, Shri D.
Amin, Prof. R. K.

*The following Members also recorded their votes for AYES:

Sarvashri Phirangi Prasad, Raghubir Singh Machhand, Ram Naresh Kushwaha, Madan Lal Shukla, Subhash Ahuja, Samar Mukherjee, Hari Vishnu Kamath, Sachindralal Singha, Jagannath Sharma, Abdul Lateef, Shyamaprasanna Bhattacharyya, Ram Prasad Deshmukh, Nanasahib Bonde, H. M. Patel, P. Ramachandran, Inder Singh, Govinda Munda, Ram Dhari Shastri, Dr. Vasant Kumar Pandit and Shrimati Abha Maiti and Shrimati Shanti Devi.

Anbalagan, Shri P.
Ankineedu, Shri Maganti
Ankineedu Prasada Rao, Shri P.
Ansari, Shri Faquir Ali
Arif Beg, Shri
Arunachalam, Shri M.
Asokaraj, Shri A.
Austin, Dr. Henry
Badri Narayan, Shri A. R.
Bagri, Shri Mani Ram
Bahuguna, Shri H. N.
Bahuguna, Shrimati Kamala
Bairagi, Shri Jena
Bal, Shri Pradvumna
Balak Ram, Shri
Balbir Singh, Chowdhry
Baldev Prakash, Dr.
Banatwalla, Shri G. M.
Barakataki, Shrimati Renuka Devi
Barnala, Shri Surjit Singh
Barrow, Shri A. E. T.
Basappa, Shri Kondajji
Basu, Shri Chitta
Basu, Shri Dhirendranath
Bateshwar Hemram, Shri
Berwa, Shri Ram Kanwar
Bhagat Ram, Shri
Bhakta, Shri Manoranjan
Bhanwar, Shri Bhagirath
Bharat Bhushan, Shri
Bhattacharya, Shri Dinen
Bhattacharyya, Shri Shyamaprasanna
Bheeshma Dev, Shri M.
Birendra Prasad, Shri
Borole, Shri Yashwant
Borooah, Shri D. K.
Bosu, Shri Jyotirmoy
Brahm Perkash, Chaudhury
Brij Raj Singh, Shri
Burande, Shri Gangadhar Appa
Burman, Shri Kirit Bikram Deb
Chakravarty, Prof. Dilip
Chand Ram, Shri
Chandan Singh, Shri
Chandra Shekhar, Shri
Chandra Shekhar Singh, Shri
Chandra Pal Singh, Shri
Chandrappan, Shri C. K.
Chandravati, Shrimati
Chatterjee, Shri Somnath
Chaturbhuj, Shri
Chaturvedi, Shri Shambhu Nath
Chaudhary, Shri Motibhai R.
Chaudhuri, Shri Tridib
Chaudhury, Shri Rudra Sen
Chauhan, Shri Nawab Singh
Chavan, Shrimati P.
Chavan, Shri Yeshwantrao
Chavda, Shri K. S.
Chhetri, Shri Chhatra Bahadur
Chikkalingiah, Shri K.
Choudhari, Shri K. B.
Chowhan, Shri Bharat Singh
Chunder, Dr. Pratap Chandra
Dabhi, Shri Ajitsinh
Damor, Shri Somjibhai
Dandavate, Prof. Madhu
Danwe, Shri Pundalik Hari
Das, Shri S. S.
Das, Shri R. P.
Dasgupta, Shri K. N.
Dave, Shri Anant
Dawn, Shri Raj Krishna
Deo, Shri V. Kishore Chandra S.
Desai, Shri Dajiba
Desai, Shri Hitendra
Desai, Shri Morarji
Deshmukh, Shri Nanaji
Deshmukh, Shri Ram Prasad
Devarajan, Shri B.
Dhandayuthapani, Shri V.
Dhara, Shri Sushil Kumar
Dharia, Shri Mohan
Dhillon, Shri Iqbal Singh

Digvijoy Narain Singh, Shri
Doley, Shri L. K.
Durga Chand, Shri
Dutt, Shri Asoke Krishna

Elanchezhian, Shri V. S.
Engti, Shri Biren

Faleiro, Shri Eduardo
Fazlur Rahman, Shri
Fernandes, Shri George

Gamit, Shri Chhitubhai
Ganga Bhakt Singh, Shri
Ganga Singh, Shri
Gattani Shri R. D.
Gawai, Shri D. G.
Girjanandan Singh, Shri
Godara, Ch. Hari Ram Makkasar
Gode, Shri Santoshrao
Gogoi, Shri Tarun
Gomango, Shri Giridhar
Gopal, Shri K.
Gore, Shrimati Mrinal
Goswami, Shrimati Bibha Ghosh
Gotkhinde, Shri Annasaheb
Gowda, Shri S. Nanjesha
Goyal, Shri Krishna Kumar
Guha, Prof. Samar
Gulshan, Shri Dhanna Singh
Gupta, Shri Kanwar Lal

Halder, Shri Krishna Chandra
Haren Bhumij, Shri
Harikesh Bahadur, Shri
Hazari, Shri Ram Sewak
Heera Bhai, Shri
Hukam Ram, Shri

Inder Singh, Shri

Jagannathan, Shri S.
Jagjivan Ram, Shri
Jain, Shri Kacharulal Hemraj
Jain, Shri Kalyan
Jain, Shri Nirmal Chandra
Jaiswal, Shri Anant Ram
Jasrotia, Shri Baldev Singh
Jethmalani, Shri Ram
Jeyalakshmi, Shrimati V.
Joshi, Dr. Murli Manohar

Kachwai, Shri Hukam Chand
Kadam, Shri B. P.
Kadannappalli, Shri Ramachandran
Kaiho, Shri
Kakade, Shri Sambhajirao
Kaldate, Dr. Bapu
Kamakshaiah, Shri D.
Kamath, Shri Hari Vishnu
Kannan, Shri P.
Kar, Shri Sarat
Kasar, Shri Amrut
Kaushik, Shri Purushottam
Khalsa, Shri Basant Singh
Khan, Shri Ismail Hossain
Khan, Shri Kanwar Mahmud Ali
Kidwai, Shrimati Mohsina
Khrime, Shri Rinching Khandu
Kishore Lal, Shri
Kisku, Shri Jadunath
Kodyian, Shri P.K.
Kolanthaivelu, Shri R.
Kosalram, Shri K.T.
Krishan Kant, Shri
Krishnan, Shrimati Parvathi
Kundu, Shri Samarendra
Kunhambu, Shri K.
Kureel, Shri Jwala Prasad
Kureel, Shri R.L.
Kushwaha, Shri Ram Naresh

Lahanu Shidava Kom, Shri
Lakshminarayanan, Shri M. R.
Lal, Shri S.S.
Lalji Bhai, Shri
Lalu Prasad, Shri
Laskar, Shri Nihar
Limaye, Shri Madhu

Machhand, Shri Raghubir Singh

Mahale, Shri Hari Shankar
Mahata, Shri, C. R.
Mahi Lal, Shri
Maiti, Shrimati Abha
Malhotra, Shri Vijay Kumar
Mallanna, Shri K.
Mallick, Shri Rama Chandra
Mandal, Shri B.P.
Mandal, Shri Dhanik Lal
Mandal, Shri Mukunda
Mane, Shri Rajaram Shankarrao
Mangal Deo, Shri
Mankar, Shri Laxman Rao
Manohar Lal, Shri
Mathur, Shri Jagdish Prasad
Mavalankar, Prof. P.G.
Mayathevar, Shri K.
Meerza, Shri Syed Kazim Ali
Mehta, Shri Prasannbhai
Mhalgi, Shri R.K.
Mirdha, Shri Nathu Ram
Miri, Shri Govind Ram
Mishra, Shri G.S.
Mishra, Shri Janeshwar
Mishra, Shri Shyamnandan
Modak, Shri Bijoy
Mohanarangam, Shri Ragavalu
Mohd. Hayat Ali, Shri
Mohinder Singh, Shri
Mondal, Dr. Bijoy
Mritunjay Prasad, Shri
Mukherjee, Shri Samar
Multan Singh, Chaudhary
Munda, Shri Govinda
Munda, Shri Karia
Murthy, Shri Kusuma Krishna
Murugaiyan, Shri S.G.
Murugesan, Shri A.
Nahar, Shri Bijoy Singh
Nahata, Shri Amrit
Naik, Shri S.H.
Naik, Shri V.P.
Nair, Shri B.K.
Nair, Shri M.N. Govindan
Narayana, Shri K.S.
Nathu Singh, Shri
Nayak, Shri Laxmi Narain
Nayar, Dr. Sushila
Negi, Shri T.S.
Onkar Singh, Shri
Oraon, Shri Lalu
Pandey, Shri Ambika Prasad
Pandeya, Dr. Laxminarayan
Pandit, Dr. Vasant Kumar
Parmai Lal, Shri
Parmar, Shri Natwarlal B.
Parthasarathy, Shri P.
Parulekar, Shri Bapusaheb
Paswan, Shri Ram Vilas
Patel, Shri Dharmasinhbhai
Patel, Shri H.M.
Patel, Km. Maniben Vallabhbhai
Patel, Shri Meetha Lal
Patidar, Shri Rameshwar
Patil, Shri Chandrakant
Patil, Shri S.D.
Patnaik, Shri Biju
Patnaik, Shri Sivaji
Patwary, Shri H.L.
Periasamy, Dr. P.V.
Phirangi Prasad, Shri
Pipil, Shri Mohan Lal
Poojary, Shri Janardhana
Pradhan, Shri Amar Roy
Pradhan, Shri Pabitra Mohan
Pradhani, Shri K.
Pullaiah, Shri Darur
Rachaiah, Shri B.
Raghavji, Shri
Raghu Ramaiah, Shri K.
Rahi, Shri Ram Lal
Rai, Shri Gauri Shankar
Rai, Shri Narmada Prasad
Rai, Shri Shiv Ram

Raj Keshar Singh, Shri
Raj Narain, Shri
Rajan, Shri K.A.
Raju, Shri P.V.G.
Rakesh, Shri R.N.
Ram, Shri R.D.
Ram Charan, Shri
Ram Dhan, Shri
Ram Kinkar, Shri
Ram Kishan, Shri
Ram Sagar, Shri
Ramachandran, Shri P.
Ramalingam, Shri N. Kudanthai
Ramalingam, Shri P.S.
Ramamurthy, Shri K.
Ramapati Singh, Shri
Ramaswamy, Shri S.
Ramjiwan Singh, Shri
Ramoowalia, Shri Balwant Singh
Rangnekar, Shrimati Ahilya P.
Ranjit Singh, Shri
Rao, Shrimati B. Radhabai Ananda
Rao, Shri J. Rameshwar
Rao, Shri M.S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri Pattabhi, Rama
Rathor, Dr. Bhagwan Dass
Ravindra Pratap Singh, Shri
Reddi, Shri G.S.
Reddy, Shri G. Narsimha
Reddy, Shri K. Brahmananda
Reddy, Shri K. Obul
Reddy, Shri K. Vijaya Bhaskara
Rodrigues, Shri Rudolph
Roy, Dr. Saradish
Saha, Shri A.K.
Saha, Shri Gadadhar
Sai, Shri Larang
Sahoo, Shri Ainthu
Sai, Shri Narhari Parsad Sukhdeo
Saini, Shri Manohar Lal
Samantasinhera, Shri Padmacharan
Sanyal, Shri Sasankasekhar
Saran, Shri Daulat Ram
Sarangi, Shri R.P.
Sarda, Shri S.K.
Sarkar, Shri S. K.
Sarsonia, Shri Shiv Narain
Satpathy, Shri Devendra
Sathe, Shri Vasant
Satya Deo Singh, Shri
Sayian Wala, Shri Mohinder Singh
Sen, Shri Prafulla Chandra
Sen, Shri Robin
Syed Muhammad, Dr. V. A.
Shah, Shri D.P.
Shah, Shri Surath Bahadur
Shaiza, Shrimati Rano M.
Shakya, Dr. Mahadeepak Singh
Shanti Devi, Shrimati
Sharma, Shri Rajendra Kumar
Sharma, Shri Yagya Dutt
Shastri, Shri Bhanu Kumar
Shastri, Shri Ram Dhari
Shastri, Shri Y.P.
Shejwalkar, Shri N.K.
Sheo Narain, Shri
Sher Singh, Prof.
Sheth, Shri Vinodbhai B.
Shiv Sampati Ram, Shri
Shrangare, Shri T.S.
Shrikrishna Singh, Shri
Shukla, Shri Madan Lal
Sikander Bakht, Shri
Singh, Dr. B. N.
Singha, Shri Sachindralal
Sinha, Shri C.M.
Sinha, Shri H.L.P.
Sinha, Shri M.P.
Sinha, Shri Purnanarayan
Sinha, Shri Satyendra Narayan
Somani, Shri Roop Lal
Somasundram, Shri S.D.
Stephen, Shri C.M.

Sukhendra Singh, Shri
Suman, Shri Ramji Lal
Suman, Shri Surendra Jha
Sunna Sahib, Shri A.
Suraj Bhan, Shri
Surya Narain Singh, Shri
Swamy, Dr. Subramaniam
Swatantra, Shri Jagannath Prasad
Talwandi, Shri Jagdev Singh
Tan Singh, Shri
Tej Pratap Singh, Shri
Thakur, Shri Aghan Singh
Thakur, Shri Krishnarao
Thorat, Shri Bhausaheb
Tirkey, Shri Pius
Tiwari, Shri Brij Bhushan
Tiwary, Shri D.N.
Tiwary, Shri Madan
Tohra, Shri G.S.
Tombi Singh, Shri N.
Tripathi, Shri Ram Prakash
Tulsiram, Shri V.
Tyagi, Shri Om Prakash
Ugrasen, Shri
Unnikrishnan, Shri K.P.
Vajpayee, Shri Atal Bihari
Varma, Shri Ravindra
Vasisht, Shri Dharma Vir
Veerabhadrappa, Shri K.S.
Venkataraman, Shri R.
Venkatareddy, Shri P.
Venkatasubbaiah, Shri P.
Verma, Shri Brijlal
Verma, Shri Hargovind
Verma, Shri R.L.P.
Verma, Shri Sukhdeo Prasad
Vishvanathan, Shri C.N.
Yadav, Shri Hukamdeo Narain
Yadav, Shri Jagdambi Prasad
Yadav, Shri Ramji Lal
Yadav, Shri Sharad
Yadav, Shri Vinayak Prasad
Yadava, Shri Roop Nath Singh
Yadvendra Dutt, Shri
Yuvraj, Shri
Zulfiquarullah, Shri

NOES

Hande, Shri V.G.
Kamble, Shri B. C.
*Kapoor, Shri L. L.
Lyngdoh, Shri Hopingstone
Patil, Shri D.B.
*Ramji Singh, Dr.
*Sardar, Shri Mahendra Narayan

MR. SPEAKER: Subject to correction, the result of the division is: Ayes 388; Noes 7.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The Motion was adopted Clause 3 was added to the Bill.

Clause 8

MR. SPEAKER: Now, I am not asking for the clearence of the Lobby. We go to clause 8. Before I put the Clause to the vote of the House, this being a constitutional amendment Bill, The voting has to be by division.

*Wrongly voted for NOES.

†The following Members also recorded their votes for AYES:—
Sarvashri Kailash Prakash, Ratansinh Rajda, K. L. Mahala, S. S. Somani, Palas Barman, V. Arunachalam alias 'Aladi Aruna,' Nanasahib Bonde, Vijay Kumar N. Patil, Sudhir Ghosal, Mahendra Narayan Sardar L. L. Kapoor and Dr. Ramji Singh.

The question is:

"That Clause 8 stands part of the Bill."

The Lok Sabha Divided:

Division No. 22] [18.53 hrs.

AYES

Abdul Lateef, Shri
Agrawal, Shri Satish
Ahsan Jafri, Shri
Ahuja, Shri Subhash
Alagesan, Shri O. V.
Alhaj, Shri M. A. Hannan
Amat, Shri D.
Amin, Prof. R. K.
Anbalagan, Shri P.
Ankineedu Prasada Rao, Shri P.
Ansari, Shri Faquir Ali
Arif Beg, Shri
Asokaraj, Shri A.
Austin, Dr. Henry
Bagri, Shri Mani Ram
Bahuguna, Shri H. N.
Bahuguna, Shrimati Kamla
Bairagi, Shri Jena
Bal, Shri Pradyumna
Balak Ram, Shri
Balbir Singh, Chaudhry
Baldev Prakash, Dr.
Banatwalla, Shri G. M.
Barakataki, Shrimati Renuka Devi
Barman, Shri Palas
Barnala, Shri Surjit Singh
Barrow, Shri A. E. T.
Basappa, Shri Kondajji
Basu, Shri Chitta
Bateshwar Hemram, Shri
Berwa, Shri Ram Kanwar
Bhagat Ram, Shri
Bhanwar, Shri Bhagirath
Bharat Bhushan, Shri
Bhattacharya, Shri Dinen
Bhattacharyya, Shri Shyamaprasanna
Birendra Prasad, Shri
Borole, Shri Yashwant
Bosu, Shri Jyotirmoy
Brahm Perkash, Chaudhury
Brij Raj Singh, Shri
Burande, Shri Gangadhar Appa
Chakarvarty, Prof. Dilip
Chand Ram, Shri
Chandan Singh, Shri
Chandra Shekhar, Shri
Chandra Shekhar Singh, Shri
Chandra Pal Singh, Shri
Chandravati, Shrimati
Chaturbhuj, Shri
Chaturvedi, Shri Shambhu Nath
Chaudhary, Shri Motibhai R.
Chaudhuri, Shri Tridib
Chaudhury, Shri Rudra Sen
Chauhan, Shri Nawab Singh
Chavda, Shri K. S.
Chhetri, Shri Chhatra Bahadur
Chowhan, Shri Bharat Singh
Chunder, Dr. Pratap Chandra
Dandavate, Prof. Madhu
Danwe, Shri Pundalik Hari
Das, Shri S. S.
Das, Shri R. P.
Dasgupta, Shri K. N.
Dave, Shri Anant
Deo, Shri V. Kishore Chandra S.
Desai, Shri Dajiba
Desai, Shri Hitendra
Desai, Shri Morarji
Deshmukh, Shri Nanaji
Deshmukh, Shri Ram Prasad
Dandayuthapani, Shri V.
Dhara, Shri Sushil Kumar
Dharia, Shri Mohan
Dhillon, Shri Iqbal Singh
Digvijoy Narain Singh, Shri
Doley, Shri L. K.

Durga Chand, Shri
Dutt, Shri Asoke Krishna
Elanchezhian, Shri V. S.
Faleiro, Shri Eduardo
Fernandes, Shri George
Ganga Bhakt Singh, Shri
Ganga Singh, Shri
Gattani, Shri R. D.
Gawai, Shri D. G.
Girjanandan Singh, Shri
Godaru, Ch. Hari Ram Makkasar
Gode, Shri Santoshrao
Gopal, Shri K.
Gore, Shrimati Mrinal
Goswami, Shrimati Bibha Ghosh
Gotkhinde, Shri Annasaheb
Gowda, Shri S. Nanjesha
Goyal, Shri Krishna Kumar
Guha, Prof. Samar
Gulshan, Shri Dhanna Singh
Gupta, Shri Kanwar Lal
Halder, Shri Krishna Chandra
Haren Bhumij, Shri
Harikesh Bahadur, Shri
Hazari, Shri Ram Sewak
Heera Bhai, Shri
Hukam Ram, Shri
Inder Singh, Shri
Jagannathan, Shri S.
Jagjivan Ram, Shri
Jain, Shri Kacharulal Hemraj
Jain, Shri Kalyan
Jain, Shri Nirmal Chandra
Jaiswal, Shri Anant Ram
Jasrotia, Shri Baldev Singh
Jethmalani, Shri Ram
Joshi, Dr. Murli Manohar
Kachwai, Shri Hukam Chand
Kaiho, Shri
Kailash Prakash, Shri
Kakade, Shri Sambhajirao
Kaldate, Dr. Bapu
Kamath, Shri Hari Vishnu
Kamble, Shri B. C.
Kannan, Shri P.
Kar, Shri Sarat
Kaushik, Shri Purushottam
Khalsa, Shri Basant Singh
Khan Shri Mahmud Ali
Kidwai, Shrimati Mohsina
Khrime, Shri Rinching Khandu
Kishore Lal, Shri
Kisku, Shri Jadunath
Kolanthaivelu, Shri R.
Krishan Kant, Shri
Kundu, Shri Samarendra
Kunhambu, Shri K.
Kureel, Shri Jwala Prasad
Kureel, Shri R. L.
Kushwaha, Shri Ram Naresh
Lahanu Shidava Kom, Shri
Lakshminarayanan, Shri M. R.
Lal, Shri S. S.
Lalu Prasad, Shri
Limaye, Shri Madhu
Machhand, Shri Raghubir Singh
Mahala, Shri K. L.
Mahale, Shri Hari Shankar
Mahata, Shri C. R.
Mahi Lal, Shri
Maiti, Shrimati Abha
Malhotra, Shri Vijay Kumar
Mallick, Shri Rama Chandra
Mandal, Shri B. P.
Mandal, Shri Dhanik Lal
Mandal, Shri Mukunda
Mangal Deo, Shri
Mankar, Shri Laxman Rao
Manohar Lal, Shri
Mathur, Shri Jagdish Prasad
Mavalankar, Prof. P. G.
Mayathevar, Shri K.
Meerza, Shri Syed Kazim Ali

Mehta, Shri Prasannbhai
Mhalgi, Shri R. K.
Mirdha, Shri Nathu Ram
Miri, Shri Govind Ram
Mishra, Shri Janeshwar
Mishra, Shri Shyamnandan
Modak, Shri Bijoy
Mohanarangam, Shri Ragavalu
Mohd. Hayat Ali, Shri
Mohinder Singh, Shri
Mondal, Dr. Bijoy
Mritunjay Prasad, Shri
Mukherjee, Shri Samar
Multan Singh, Chaudhary
Munda, Shri Govinda
Munda, Shri Karia
Murugesan, Shri A.

Nahar, Shri Bijoy Singh
Nahata, Shri Amrit
Narayana, Shri K. S.
Nathu Singh, Shri
Nayak, Shri Laxmi Narain
Nayar, Dr. Sushila
Negi, Shri T. S.

Oraon, Shri Lalu

Pandey, Shri Ambika Prasad
Pandeya, Dr. Laxminarayan
Pandit, Dr. Vasant Kumar
Parmai Lal, Shri
Parmar, Shri Natwarlal B.
Parthasarathy, Shri P.
Parulekar, Shri Bapusaheb
Paswan, Shri Ram Vilas
Patel, Shri Dharmasinhbai
Patel, Shri H. M.
Patel, Km. Maniben Vallabhbhai
Patel, Shri Meetha Lal
Patidar, Shri Rameshwar
Patil, Shri Chandrakant
Patil, Shri S. D.
Patnaik, Shri Biju
Patnaik, Shri Sivaji

Patwary, Shri H. L.
Periasamy, Dr. P. V.
Phirangi Prasad, Shri
Pipil, Shri Mohan Lal
Pradhan, Shri Amar Roy
Pradhan, Shri Pabitra Mohan

Raghavji, Shri
Raghu Ramaiah, Shri K.
Rahi, Shri Ram Lal
Rai, Shri Gauri Shankar
Rai, Shri Narmada Prasad
Rai, Shri Shiv Ram
Raj Keshar Singh, Shri
Raj Narain, Shri
Rajda, Shri Ratansinh
Rakesh, Shri R. N.
Ram, Shri R. D.
Ram Charan, Shri
Ram Dhan, Shri
Ram Kinkar, Shri
Ram Kishan, Shri
Ram Murti, Shri
Ram Sagar, Shri
Ramachandran, Shri P.
Ramalingam, Shri P. S.
Ramapati Singh, Shri
Ramjiwan Singh, Shri
Ramoowalia, Shri Balwant Singh
Rangnekar, Shrimati Ahilya P.
Ranjit Singh, Shri
Rao, Shri J. Rameshwar
Rathor, Dr. Bhagwan Dass
Ravi, Shri Vayalar
Ravindra Pratap Singh, Shri
Reddy, Shri G. Narsimha
Rodrigues, Shri Rudolph
Roy, Shri A. K.
Roy, Dr. Saradish

Saha, Shri A. K.
Shah, Shri Gadadhar
Sahoo, Shri Ainthu
Sai, Shri Larang
Sai, Shri Narhari Prasad Sukhdeo

Saini, Shri Manhohar Lal
Samantasinhera Shri Padmayacharan
Saran, Shri Daulat Ram
Sarangi, Shri R. P.
Sarda, Shri, S. K.
Sarkar, Shri S. K.
Sarsonia, Shri Shiv Narain
Satapathy, Shri Devendra
Satya Deo Singh, Shri
Sayian Wala, Shri Mohinder Singh
Sen, Shri Prafulla Chandra
Sen, Shri Robin
Shah, Shri D. P.
Shah, Shri Surath Bahadur
Shaiza, Shrimati Rano M.
Shakya, Dr. Mahadeepak Singh
Shanti, Devi, Shrimati
Sharma, Shri Rajendra Kumar
Sharma, Shri Yagya Datt
Shastri, Shri Bhanu Kumar
Shastri, Shri Ram Dhari
Shastri, Shri Y. P.
Shejwalkar, Shri N. K.
Sheo Narain, Shri
Sher Singh, Prof.
Sheth, Shri Vinodbhai B.
Shiv Sampati Ram, Shri
Shrangare, Shri T. S.
Shrikrishna Singh, Shri
Shukla, Shri Madan Lal
Sikander Bakht, Shri
Singh, Dr. B. N.
Singha, Shri Sachindralal
Sinha, Shri C. M.
Sinha, Shri H. L. P
Sinha, Shri M. P.
Sinha, Shri Purnanarayan
Sinha, Shri Satyendra Narayan
Somani, Shri Roop Lal
Somani, Shri S. S.
Somasundaram, Shri S. D.
Sukhendra Singh, Shri
Suman, Shri Ramji Lal
Suman, Shri Surendra Jha
Suraj Bhan, Shri
Surya Narain Singh, Shri
Swamy Dr. Subramanian
Swatantra, Shri Jagannath Prasad
Talwandi, Shri Jagdev Singh
Tan Singh, Shri
Tej Pratap Singh, Shri
Thakur, Shri Aghan Singh
Thakur, Shri Krishnarao
Tirkey, Shri Pius
Tiwari, Shri Brij Bhushan
Tiwary, Shri D. N.
Tiwary, Shri Madan
Tohra, Shri G. S.
Tombi Singh, Shri N.
Tripathi, Shri Ram Prakash
Tyagi, Shri Om Prakash
Ugrasen, Shri
Unnikrishnan, Shri K. P.
Vajpayee, Shri Atal Bihari
Varma, Shri Ravindra
Vasisht, Shri Dharma Vir
Verma, Shri Brijlal
Verma, Shri Hargovind
Verma, Shri R. L. P.
Verma, Shri Sukhdeo Prasad
Visvanathan, Shri C. N.
Yadav, Shri Hukmdeao Narain
Yadav, Shri Jagdambi Prasad
Yadav, Shri Ramji Lal
Yadav, Shri Sharad
Yadav, Shri Vinayak Prasad
Yadava, Shri Roop Nath Singh
Yadvendra Dutt, Shri
Zulfiquarullah, Shri

NOES

Ankineedu, Shri Maganti
Arunachalam, Shri M.
Badri Narayan, Shri A. R.
Basu, Shri Dhirendranath

Bhakta, Shri Manoranjan
Bheeshma Dev, Shri M.
Borooah, Shri D. K.
Burman, Shri Kirit Bikram Deb
Chandrappan, Shri C. K.
Chavan, Shrimati P.
Chikkalingiah, Shri K.
Choudhari, Shri K. B.
Dabhi, Shri Ajitsinh
Damor, Shri Somjibhai
*Dawn, Shri Raj Krishna
Devarajan, Shri B.
Engti, Shri Biren
Gamit, Shri Chhitubhai
Gogoi, Shri Tarun
Gomango, Shri Giridhar
Hande, Shri V. G.
Jeyalakshmi, Shrimati V.
Kadam, Shri B. P.
Kamakshaiah, Shri D.
*Khan, Shri Ismail Hossain
Kodiyan, Shri P. K.
Kolur, Shri Rajshekhar
Kosalram, Shri K. T.
Krishnan, Shrimati Parvathi
Laskar, Shri Nihar
Mallana, Shri K.
Mishra, Shri G. S.
Murthy, Shri Kusuma Krishna
Murthy, Shri M. V. Chandrashekhara
Naidu, Shri P. Rajagopal
Naik, Shri S. H.
Patil, Shri D. B.
Patil, Shri Vijaykumar N.
Poojary, Shri Janardhana
Pradhani, Shri K.
Pullaiah, Shri Darur
Rachaiah, Shri B.
Rajan, Shri K. A.
Raju, Shri P. V. G.
Ramalingam, Shri N. Kudanthai
Ramamurthy, Shri K.
*Ramji Singh, Dr.
Rao, Shrimati B. Radhabai Ananda
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri Pattabhi Rama
Reddi, Shri G. S.
Reddy, Shri K. Brahmananda
Reddy, Shri S. R.
Sathe, Shri Vasant
Stephen, Shri C. M.
Thorat, Shri Bhausaheb
Tulsiram, Shri V.
Venkataraman, Shri R.
Venkatareddy, Shri P.
Venkatasubbaiah, Shri P.

MR. SPEAKER: Subject to correction, the result** of the division is: Ayes 324; Noes 61. The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

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*Wrongly voted for NOES.

**The following Members also recorded their votes:—

AYES: Sarvashri Fazlur Rahman, Mahendra Narayan Sardar, L. L. Kapoor, Yuvraj, Lalji Bhai, Onkar Singh, Sasankasekhar Sanyal, Somnath Chatterjee, Amrut Kasar, V. Arunachalam alias 'Aladi Aruna' Ramachandran Kadannappalli, S. Ramaswamy, Rajaram Shankarrao Mane, Nanasahib Bonde, Sudhir Ghosal, Ismail Hossain Khan, Raj Krishna Dawn and Dr. Ramji Singh.

NOES: Sarvashri P. K. Deo, M. N. Govindan Nair, K. S. Veerabhadrappa, B. K. Nair and K. Obul Reddy.

Clause 8 was added to the Bill.

Clause 9

MR. SPEAKER: Before I put Clause 9 to the vote of the House, this being a constitutional amendment Bill, the voting has to be by division.

The question is:

"That Clause 9 stands part of the Bill."

The Lok Sabha divided:

Division No. 23] **[18.55 hrs.**

AYES

Abdul Lateef, Shri
Agrawal, Shri Satish
Ahsan Jafri, Shri
Ahuja, Shri Subhash
Alagesan, Shri O. V.
Alhaj, Shri M. A. Hannan
Amat, Shri D.
Amin, Prof. R. K.
Anbalagan, Shri P.
Ankineedu, Shri Maganti
Ankineedu Prasada Rao, Shri P.
Ansari, Shri Faquir Ali
Arif Beg, Shri
Arunachalam, Shri M.
Arunachalam alias 'Aladi Aruna', Shri V.
Asokaraj, Shri A.
Austin, Dr. Henry

Badri Narayan, Shri A. R.
Bagri, Shri Mani Ram
Bahuguna, Shri H. N.
Bahuguna, Shrimati Kamala
Bairagi, Shri Jena
Bal, Shri Pradvumna
Balak Ram, Shri
Balbir Singh, Chowdhry
Baldev Prakash, Dr.
Barakataki, Shrimati Renuka Devi
Barman, Shri Palas
Barnala, Shri Surjit Singh
Barrow, Shri A. E. T.
Basappa, Shri Kondajji
Basu, Shri Chitta
Bateshwar Hemram, Shri
Berwa, Shri Ram Kanwar
Bhagat Ram, Shri
Bhakta, Shri Manoranjan
Bhanwar, Shri Bhagirath
Bharat Bhushan, Shri
Bhattacharya, Shri Dinen
Bhattacharyya, Shri Shyamaprasanna
Birendra Prasad, Shri
Borole, Shri Yashwant
Borooah, Shri D. K.
Bosu, Shri Jyotirmoy
Brahm Perkash, Chaudhury
Brij Raj Singh, Shri
Burande, Shri Gangadhar Appa
Burman, Shri Kirit Bikram Deb

Chakravarty, Prof. Dilip
Chand Ram, Shri
Chandan Singh, Shri
Chandra Shekhar, Shri
Chandra Shekhar Singh, Shri
Chandra Pal Singh, Shri
Chandravati, Shrimati
Chatterjee, Shri Somnath
Chaturbhuj, Shri
Chaturvedi, Shri Shambhu Nath
Chaudhary, Shri Motibhai R.
Chaudhuri, Shri Tridib
Chaudhury, Shri Rudra Sen
Chauhan, Shri Nawab Singh
Chavan, Shri Yeshwantrao
Chavda, Shri K. S.
Chikkalingiah, Shri K.
Choudhari, Shri K. B.
Chowhan, Shri Bharat Singh
Chunder, Dr. Pratap Chandra
Dabhi, Shri Ajitsinh
Damor, Shri Somjibhai
Dandavate, Prof. Madhu
Danwe, Shri Pundalik Hari

Das, Shri S. S.
Das, Shri R. P.
Dasgupta, Shri K. N.
Dave, Shri Anant
Dawn, Shri Raj Krishna
Deo, Shri V. Kishore Chandra S.
Desai, Shri Dajiba
Desai, Shri Hitendra
Desai, Shri Morarji
Deshmukh, Shri Nanaji
Deshmukh, Shri Ram Prasad
Dhandayuthapani, Shri V.
Dhara, Shri Sushil Kumar
Dharia, Shri Mohan
Dhillon, Shri Iqbal Singh
Digvijoy Narain Singh, Shri
Doley, Shri L. K.
Durga Chand, Shri
Dutt, Shri Asoke Krishna

Elanchezhian, Shri V. S.
Engti, Shri Biren

Faleiro, Shri Eduardo
Fazlur Rahman, Shri
Fernandes, Shri George

Gamit, Shri Chhitubhai
Ganga Bhakt Singh, Shri
Ganga Singh, Shri
Gattani, Shri R. D.
Gawai, Shri D. G.
Ghosal, Shri Sudhir
Girjanandan Singh, Shri
Godara, Ch. Hari Ram Makkasar
Gode, Shri Santoshrao
Gogoi, Shri Tarun
Gomango, Shri Giridhar
Gopal, Shri K.
Gore, Shrimati Mrinal
Goswami, Shrimati Bibha Ghosh
Gotkhinde, Shri Annasaheb
Gowda, Shri S. Nanjesha
Goyal, Shri Krishna Kumar
Guha, Prof. Samar
Gulshan, Shri Dhanna Singh
Gupta, Shri Kanwar Lal
Halder, Shri Krishna Chandra
Haren Bhumij, Shri
Harikesh Bahadur, Shri
Hazari, Shri Ram Sewak
Heera Bhai, Shri
Hukam Ram, Shri

Inder Singh, Shri

Jagannathan, Shri S.
Jagjivan Ram, Shri
Jain, Shri Kacharulal Hemraj
Jain, Shri Kalyan
Jain, Shri Nirmal Chandra
Jaiswal, Shri Anant Ram
Jasrotia, Shri Baldev Singh
Jethmalani, Shri Ram
Jeyalakshmi, Shrimati V.
Joshi, Dr. Murli Manohar

Kachwai, Shri Hukam Chand
Kadannappalli, Shri Ramachandran
Kaiho, Shri
Kailash Prakash, Shri
Kakade, Shri Sambhajirao
Kaldate, Dr. Bapu
Kamakshaiah, Shri D.
Kamath, Shri Hari Vishnu
Kamble, Shri B. C.
Kannan, Shri P.
Kapoor, Shri L. L.
Kar, Shri Sarat
Kasar, Shri Amrut
Kaushik, Shri Purushottam
Khalsa, Shri Basant Singh
Khan, Shri Ismail Hossain
Khan, Shri Kunwar Mahmud Ali
Kidwai, Shrimati Mohsina
Khrime, Shri Rinching Khandu
Kishore Lal, Shri
Kisku, Shri Jadunath
Kolanthaivelu, Shri R.
Kosalram, Shri K. T.
Krishan Kant, Shri
Kundu, Shri Samarendra

Kunhambu, Shri K.
Kureel, Shri Jwala Prasad
Kushwaha, Shri Ram Naresh

Lahanu Shidava Kom, Shri
Lakkappa, Shri K.
Lakshminarayanan, Shri M. R.
Lal, Shri S. S.
Lalji Bhai, Shri
Lalu Prasad, Shri
Laskar, Shri Nihar
Limaye, Shri Madhu
Lyngdoh, Shri Hopingstone

Machhand, Shri Raghubir Singh
Mahale, Shri Hari Shankar
Mahata, Shri C. R.
Mahi Lal, Shri
Maiti, Shrimati Abha
Malhotra, Shri Vijay Kumar
Mallanna, Shri K.
Mallick, Shri Rama Chandra
Mandal, Shri B. P.
Mandal, Shri Dhanik Lal
Mandal, Shri Mukunda
Mane, Shri Rajaram Shankarrao
Mangal Deo, Shri
Mankar, Shri Laxman Rao
Manohar Lal, Shri
Mathur, Shri Jagdish Prasad
Mavalankar, Prof. P. G.
Mayathevar, Shri K.
Meerza, Shri Syed Kazim Ali
Mehta, Shri Prasannbhai
Mhalgi, Shri R. K.
Mirdha, Shri Nathu Ram
Miri, Shri Govind Ram
Mishra, Shri G. S.
Mishra, Shri Janeshwar
Mishra, Shri Shyamnandan
Modak, Shri Bijoy
Mohanarangam, Shri Ragavalu
Mohd. Hayat Ali, Shri
Mohinder Singh, Shri
Mondal, Dr. Bijoy
Mritunjay Prasad, Shri
Mukherjee, Shri Samar
Multan Singh, Chaudhary
Munda, Shri Govinda
Munda, Shri Karia
Murthy, Shri Kusuma Krishna
Murthy, Shri M. V. Chandrashekhara
Murugesan, Shri A.

Nahar, Shri Bijoy Singh
Nahata, Shri Amrit
Naidu, Shri P. Rajagopal
Naik, Shri S. H.
Nair, Shri B. K.
Narayana, Shri K. S.
Narendra Singh, Shri
Nathu Singh, Shri
Nayak, Shri Laxmi Narain
Nayar, Dr. Sushila
Negi, Shri T. S.

Onkar Singh, Shri
Oraon, Shri Lalu

Pandey, Shri Ambika Prasad
Pandeya, Dr. Laxminarayan
Pandit, Dr. Vasant Kumar
Parmai Lal, Shri
Parmar, Shri Natwarlal B.
Parthasarathy, Shri P.
Parulekar, Shri Bapusaheb
Paswan, Shri Ram Vilas
Patel, Shri Dharmasinhbhai
Patel, Shri H. M.
Patel, Km. Maniben Vallabhbhai
Patel, Shri Meetha Lal
Patidar, Shri Rameshwar
Patil, Shri Chandrakant
Patil, Shri S. D.
Patil, Shri Vijaykumar N.
Patnaik, Shri Biju
Patnaik, Shri Sivaji
Patwary, Shri H. L.
Periasamy, Dr. P. V.

Phirangi Prasad, Shri
Pipil, Shri Mohan Lal
Poojary, Shri Janardhana
Pradhan, Shri Amar Roy
Pradhan, Shri Pabitra Mohan
Pradhani, Shri K.
Pullaiah, Shri Darur
Raghavji, Shri
Raghu Ramaiah, Shri K.
Rahi, Shri Ram Lal
Rai, Shri Gauri Shankar
Rai, Shri Narmada Prasad
Rai, Shri Shiv Ram
Raj Keshar Singh, Shri
Raj Narain, Shri
Rajda, Shri Ratansinh
Raju, Shri P. V. G.
Rakesh, Shri R. N.
Ram, Shri R. D.
Ram Charan, Shri
Ram Dhan, Shri
Ram Kinkar, Shri
Ram Kishan, Shri
Ram Murti, Shri
Ram Sagar, Shri
Ramachandran, Shri P.
Ramalingam, Shri N. Kudanthai
Ramalingam, Shri P. S.
Ramamurthy, Shri K.
Ramapati Singh, Shri
Ramaswamy, Shri S.
Ramji Singh, Dr.
Ramjiwan Singh, Shri
Ramoowalia, Shri Balwant Singh
Ranjit Singh, Shri
Rao, Shrimati B. Radhabai Ananda
Rao, Shri J. Rameshwar
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri Pattabhi Rama
Rathor, Dr. Bhagwan Dass
Ravindra Pratap Singh, Shri
Reddi, Shri G. S.
Reddy, Shri G. Narsimha
Reddy, Shri K. Brahmananda
Reddy, Shri, K. Obul
Reddy, Shri K. Vijay Bhaskara
Reddy, Shri S.R.
Rodrigues, Shri Rudolph
Roy, Shri A. K.
Roy, Dr. Saradish
Roy, Shri Saugata
Saha, Shri A. K.
Saha, Shri Gadadhar
Sai, Shri Larang
Saini, Shri Manohar Lal
Sanyal, Shri Sasankasekhar
Saran, Shri Daulat Ram
Sarangi, Shri R. P.
Sarda, Shri S. K.
Sardar, Shri Mahendra Narayan
Sarkar, Shri S. K.
Sarsonia, Shri Shiv Narain
Satpathy, Shri Devendra
Sathe, Shri Vasant
Satya Deo Singh, Shri
Sayian Wala, Shri Mohinder Singh
Sen, Shri Prafulla Chandra
Sen, Shri Robin
Seyid, Muhammad, Dr. V. A.
Shah, Shri D. P.
Shah, Shri Surath Bahadur
Shaiza, Shrimati Rano M.
Shakya, Dr. Mahadeepak Singh
Shanti Devi, Shrimati
Sharma, Shri Rajendra Kumar
Sharma, Shri Yagya Dutt
Shastri, Shri Bhanu Kumar
Shastri, Shri Ram Dhari
Shastri, Shri Y. P.
Shejwalkar, Shri N. K.
Sheo Narain, Shri
Sher Singh, Prof.
Sheth, Shri Vinodbhai B.
Shiv Sampati Ram, Shri

Sharangare, Shri T. S.
Shrikrishna Singh, Shri
Shukla, Shri Madan Lal
Sikander Bakht, Shri
Singh, Dr. B. N.
Singha, Shri Sachindralal
Sinha, Shri C. M.
Sinha, Shri H. L. P.
Sinha, Shri M. P.
Sinha, Shri Purnanarayan
Sinha, Shri Satyendra Narayan
Somani, Shri Roop Lal
Somani, Shri S. S.
Stephen, Shri C. M.
Stephen, Shri C. M.
Sudheeran, Shri V. M.
Sukhendra Singh, Shri
Suman, Shri Ramji Lal
Suman, Shri Surendra Jha
Sunna Sahib, Shri A.
Suraj Bhan, Shri
Surya Narain Singh, Shri
Swamy, Dr. Subramaniam
Swatantra, Shri Jagannath Prasad
Talwandi, Shri Jagdev Singh
Tan Singh, Shri
Tej Pratap Singh, Shri
Thakur, Shri Aghan Singh
Thakur, Shri Krishnarao
Thorat, Shri Bhausaheb
Tirkey, Shri Pius
Tiwari, Shri Brij Bhushan
Tiwary, Shri D. N.
Tiwary, Shri Madan
Tohra, Shri G. S.
Tombi Singh, Shri N.
Tripathi, Shri Ram Prakash
Tyagi, Shri Om Prakash
Ugrasen, Shri
Unnikrishnan, Shri K. P.
Vajpayee, Shri Atal Bihari
Varma, Shri Ravindra
Vasisht, Shri Dharma Vir
Veerabhadrappa, Shri K. S.
Venkatareddy, Shri P.
Venkatasubbaiah, Shri P.
Verma, Shri Brijlal
Verma, Shri Hargovind
Verma Shri R. L. P.
Verma, Shri Sukhdeo Prasad
Yadav, Shri Hukmdeo Narain
Yadav, Shri Jagdambi Prasad
Yadav, Shri Ramji Lal
Yadav, Shri Sharad
Yadav, Shri Vinayak Prasad
Yadva, Shri Roop Nath Singh
Yadvendra Dutt, Shri
Yuvraj, Shri
Zulfiquarullah, Shri

NOES

*Bheeshmadev, Shri M.
Chandrappan, Shri C. K.
Hande, Shri V. G.
Kodiyan, Shri P. K.
Krishnan, Shrimati Parvathi
Nair, Shri M. N. Govindan
Patil, Shri D. B.
Rajan, Shri K. A.

*Wrongly voted for NOES.

MR. SPEAKER: Subject to correction, the result* of the Division is: Ayes 386; Noes 8.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted

Clause 9 was added to the Bill.

SHRI VAYALAR RAVI: Sir, I would like to submit that voting on one Clause may please be kept for the final voting after the Third reading.

MR. SPEAKER: Yes.

Clause 11

MR. SPEAKER: Before I put Clause 11 to the vote of the House, this being a Constitution (Amendment) Bill, voting has to be by Division.

The question is:

"That Clause 11 stand part of the Bill."

The Lok Sabha divided:

Division No. 24] [18. 58 hrs.

AYES

Abdul Lateef, Shri
Agarwal, Shri Satish
Ahsan Jafri, Shri
Ahuja, Shri Subhash
Alagesan, Shri O. V.
Alhaj, Shri M. A. Hannan
Amat, Shri D.
Amin, Prof. R. K.
Anbalagan, Shri P.
Ankineedu, Shri Maganti
Ankineedu Prasada Rao, Shri
Ansari, Shri Faquir Ali
Arif Beg, Shri
Arunachalam, Shri M.
Arunachalam *alia* 'Aladi Aruna', Shri V.
Asokaraj, Shri A.
Austin, Dr. Henry
Badri Narayan, Shri A. R.
Bagri, Shri Mani Ram
Bahuguna, Shri H. N.
Bahuguna, Shrimati Kamala
Bairagi, Shri Jena
Bal, Shri Pradyumna
Balak Ram, Shri
Balbir Singh, Chowdhry
Baldev Prakash, Dr.
Barakataki, Shrimati Renuka Devi
Barman, Shri Palas
Barnala, Shri Surjit Singh
Barrow, Shri A. E. T.
Basappa, Shri Kondajji
Basu, Shri Chitta
Bateshwar Hemram, Shri
Berwa, Shri Ram Kanwar
Bhagat Ram, Shri
Bhakta, Shri Manoranjan
Bhanwar, Shri Bhagirath

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*The following Members also recorded their votes:—

AYES: Sarvashi Narhari Prasad Sukhdeo Sai, Chhatra Bahdur Chhetri, K. L. Mahala, R. L. Kureel, Padma Charan Samantasinhera, Ainthu Sahoo, C. N. Visvanathan, Vayalar Ravi, Nanasahib Bonde, B. Rachaiah, B. Devarajan, M. Bheeshma Dev and Shrimati Ahilya P. Rangnekar.

NOES: Shri S. G. Murugaiyan.

Bharat Bhushan, Shri
Bhattacharya, Shri Dinen
Bhattacharyya, Shri Shyamaprasanna
Bheeshma Dev, Shri M.
Birendra Prasad, Shri
Borole, Shri Yashwant
Borooah, Shri D. K.
Bosu, Shri Jyotirmoy
Brahm Perkash, Chaudhury
Brij Raj Singh, Shri
Burande, Shri Gangadhar Appa
Burman, Shri Kirit Bikram Deb
Chakravarty, Prof. Dilip
Chandan Singh, Shri
Chandra Shekhar, Shri
Chandra Shekhar Singh, Shri
Chandra Pal Singh, Shri
Chandravati, Shrimati
Chatterjee, Shri Somnath
Chaturbhuj, Shri
Chaturvedi, Shri Shambhu Nath
Chaudhuri, Shri Tirdib
Chaudhury, Shri Rudra Sen
Chauhan, Shri Nawab Singh
Chavan, Shri Yeshwantrao
Chavda, Shri K. S.
Chhetri, Shri Chhatra Bahadur
Chikkalingiah, Shri K.
Chowhan, Shri Bharat Singh
Chunder, Dr. Pratap Chandra
Dabhi, Shri Ajitsinh
Dandavate, Prof. Madhu
Danwe, Shri Pundalik Hari
Das, Shri S. S.
Das, Shri R. P.
Dasgupta, Shri K. N.
Dawn, Shri Raj Krishna
Deo, Shri V. Kishore Chandra S.
Desai, Shri Dajiba
Desai, Shri Hitendra
Desai, Shri Morarji
Deshmukh, Shri Nanaji
Deshmukh, Shri Ram Prasad
Devarajan, Shri B.
Dhandayuthapani, Shri V.
Dhara, Shri Sushil Kumar
Dharia, Shri Mohan
Dhillon, Shri Iqbal Singh
Digvijoy Narain Singh, Shri
Doley, Shri L. K.
Durga Chand, Shri
Dutt, Shri Asoke Krishna
Elanchezhian, Shri V. S.
Engti, Shri Biren
Fazlur Rahman, Shri
Fernandes, Shri George
Gamit, Shri Chhitubhai
Ganga Bhakt Singh, Shri
Ganga Singh, Shri
Gattani, Shri R. D.
Gawai, Shri D. G.
Girjanandan Singh, Shri
Godara, Ch. Hari Ram Makkasar
Gode, Shri Santoshrao
Gogoi, Shri Tarun
Gomango, Shri Giridhar
Gopal, Shri K.
Gore, Shrimati Mrinal
Goswami, Shrimati Bibha Ghosh
Gotkhinde, Shri Annasaheb
Gowda, Shri S. Nanjesha
Goyal, Shri Krishna Kumar
Guha, Prof. Samar
Gulshan, Shri Dhanna Singh
Gupta, Shri Kanwar Lal
Halder, Shri Krishna Chandra
Haren Bhumij, Shri
Harikesh Bahadur, Shri
Hazari, Shri Ram Sewak
Heera Bhai, Shri
Hukam Ram, Shri
Inder Singh, Shri
Jagannathan, Shri S.
Jagjivan Ram, Shri
Jain, Shri Kacharulal Hemraj

Jain Shri Kalyan
Jain, Shri Nirmal Chandra
Jaiswal, Shri Anant Ram
Jasrotia, Shri Baldev Singh
Jethmalani, Shri Ram
Jeyalakshmi, Shrimati V.
Joshi, Dr. Murli Manohar
Kachwai, Shri Hukam Chand
Kadannappalli, Shri Ramachandran
Kaiho, Shri
Kailash Prakash, Shri
Kaidate, Dr. Bapu
Kamakshaiah, Shri D.
Kamble, Shri B. C.
Kannan, Shri P.
Kapoor, Shri L. L.
Kar, Shri Sarat
Kasar, Shri Amrut
Kaushik, Shri Purushottam
Khalsa, Shri Basant Singh
Khan, Shri Ismail Hossain
Khan, Shri Kunwar Mahmud Ali
Kidwai, Shrimati Mohsina
Khrime, Shri Rinching Khandu
Kishore Lal, Shri
Kisku, Shri Jadunath
Kolanthaivelu, Shri R.
Kolur, Shri Rajshekhar
Kosalram, Shri K. T.
Krishan Kant, Shri
Kundu, Shri Samarendra
Kunhambu, Shri K.
Kureel, Shri Jwala Prasad
Kureel, Shri R. L.
Kushwaha, Shri Ram Naresh
Lahanu, Shidava Kom, Shri
Lakkappa, Shri K.
Lakshminarayanan, Shri M. R.
Lal, Shri S. S.
Lalji Bhai, Shri
Lalu Prasad, Shri
Limaye, Shri Madhu
Lyngdoh, Shri Hopingstone
Machhand, Shri Raghubir Singh
Mahala, Shri K. L.
Mahale, Shri Hari Shankar
Mahata, Shri C. R.
Mahi Lal, Shri
Maiti, Shrimati Abha
Malhotra, Shri Vijay Kumar
Malik, Shri Mukhtiar Singh
Mallanna, Shri K.
Mallick, Shri Rama Chandra
Mandal, Shri B. P.
Mandal, Shri Dhanik Lal
Mandal, Shri Mukunda
Mane, Shri Rajaram Shankarrao
Mangal Deo, Shri
Mankar, Shri Laxman Rao
Manohar Lal, Shri
Mathur, Shri Jagdish Prasad
Mavalankar, Prof. P. G.
Mayathevar, Shri K.
Meerza, Shri Syed Kazim Ali
Mehta, Shri Prasannbhai
Mhalgi, Shri R. K.
Mirdha, Shri Nathu Ram
Miri, Shri Govind Ram
Mishra, Shri G. S.
Mishra, Shri Janeshwar
Mishra, Shri Shyamnandan
Modak, Shri Bijoy
Mohanarangam, Shri Ragavalu
Mohd. Hayat Ali, Shri
Mohinder Singh, Shri
Mondal, Dr. Bijoy
Mukherjee, Shri Samar
Multan Singh, Chaudhary
Munda, Shri Govinda
Munda, Shri Karia
Murthy, Shri Kusuma Krishna
Murugesan, Shri A.
Nahar, Shri Bijoy Singh
Nahata, Shri Amrit
Naidu, Shri P. Rajagopal
Naik, Shri S. H.

Naik, Shri V.P.
Nair, Shri B.K.
Narayana, Shri K.S.
Narendra Singh, Shri
Nathu Singh, Shri
Nayak, Shri Laxmi Narain
Nayar, Dr. Sushila
Negi, Shri T.S.

Onkar Singh, Shri
Oraon, Shri Lalu

Pandey, Shri Ambika Prasad
Pandeya, Dr. Laxminarayan
Pandit, Dr. Vasant Kumar
Parmai Lal, Shri
Parmar, Shri Natwarlal B.
Parthasarthy, Shri P.
Parulekar, Shri Bapusaheb
Paswan, Shri Ram Vilas
Patel, Shri Dharmasinhbhai
Patel, Shri H.M.
Patel, Km. Maniben Vallabhbhai
Patel, Shri Meetha Lal
Patidar, Shri Rameshwar
Patil, Shri Chandrakant
Patil, Shri S. D.
Patil, Shri Vijaykumar N.
Patnaik, Shri Biju
Patnaik, Shri Sivaji
Patwary, Shri H. L.
Periasamy, Dr. P.V.
Phirangi Prasad, Shri
Pipil, Shri Mohan Lal
Poojary, Shri Janardhana
Pradhan, Shri Amar Roy
Pradhan, Shri Pabitra Mohan
Pradhani, Shri K.

Rachaiah, Shri B.
Raghavji, Shri
Raghu Ramaiah, Shri K.
Rahi, Shri Ram Lal
Rai, Shri Gauri Shankar
Rai, Shri Narmada Prasad
Rai, Shri Shiv Ram
Raj Keshar Singh, Shri
Raj Narain, Shri
Rakesh, Shri R.N.
Ram, Shri R.D.
Ram Charan, Shri
Ram Dhan, Shri
Ram Kinkar, Shri
Ram Kishan, Shri
Ram Murti, Shri
Ram Sagar, Shri
Ramachandran, Shri P.
Ramalingam, Shri P. S.
Ramamurthy, Shri K.
Ramapati Singh, Shri
Ramaswamy Shri S.
Ramji Singh, Dr.
Ramjiwan Singh, Shri
Ramoowalia, Shri Balwant Singh
Rangnekar, Shrimati Ahilya P.
Ranjit Singh, Shri
Rao, Shrimati B. Radhabai Ananda
Rao, Shri J. Rameshwar
Rao, Shri M.S. Sanjeevi
Rao, Shri M. Satyanarayan
Rathor, Dr. Bhagwan Dass
Ravindra Pratap Singh, Shri
Reddi, Shri G. S.
Reddy, Shri Narsimha
Reddy, Shri K. Obul
Reddy, Shri K. Vijaya Bhaskara
Reddy, Shri S. R.
Rodrigues, Shri Rudolph
Roy, Shri A. K.
Roy, Dr. Saradish
Roy, Shri Saugata

Saha, Shri A.K.
Saha, Shri Gadadhar
Sai, Shri Larang
Sai, Shri Narhari Prasad Sukhdeo
Saini, Shri Manohar Lal
Samantasinhera, Shri Padmacharan
Sanyal, Shri Sasankasekhar

Saran, Shri Daulat Ram
Sarangi, Shri R. P.
Sarda, Shri S. K.
Sardar, Shri Mahendra Narayan
Sarkar, Shri S.K.
Sarsonia, Shri Shiv Narain
Satapathy, Shri Devendra
Satya Deo Singh, Shri
Sayainwala, Shri Mohinder Singh
Sen, Shri Prafulla Chandra
Sen, Shri Robin
Shah, Shri D. P.
Shah, Shri Surath Bahadur
Shaiza, Shrimati Rano M.
Shakya, Dr. Mahadeepak Singh
Shanti Devi, Shrimati
Sharma, Shri Rajendra Kumar
Sharma, Shri Yagya Datt
Shastri, Shri Bhanu Kumar
Shastri, Shri Ram Dhari
Shastri, Shri Y. P.
Shejwalkar, Shri N. K.
Sheo Narain, Shri
Sher Singh, Prof.
Sheth, Shri Vinodbhai B.
Shiv Sampati Ram, Shri
Shrangare, Shri T. S.
Shukla, Shri Madan Lal
Sikander Bakht, Shri
Singh, Dr. B.N.
Singha, Shri Sachindralal
Sinha, Shri C. M.
Sinha, Shri H. L. P.
Sinha, Shri M. P.
Sinha, Shri Purnanarayan
Sinha, Shri Satyendra Narayan
Somani, Shri Roop Lal
Somani, Shri S. S.
Somasundaram, Shri S. D.
Stephen, Shri C. M.
Sudheeran, Shri V. M.
Sukhendra Singh, Shri
Suman, Shri Ramji Lal
Suman, Shri Surendra Jha
Suraj Bhan, Shri
Surya Narain Singh, Shri
Swamy, Dr. Subramaniam
Swatantra, Shri Jagannath Prasad
Talwandi, Shri Jagdev Singh
Tan Singh, Shri
Tej Pratap Singh, Shri
Thakur, Shri Aghan Singh
Thakur, Shri Krishnarao
Thorat, Shri Bhausaheb
Tirkey, Shri Pius
Tiwari, Shri Brij Bhushan
Tiwary, Shri D. N.
Tiwary, Shri Madan
Tohra, Shri G. S.
Tombi Singh, Shri N.
Tripathi, Shri Ram Prakash
Tyagi, Shri Om Prakash
Vajpayee, Shri Atal Bihari
Varma, Shri Ravindra
Vasisht, Shri Dharma Vir
Veerabhadrappa, Shri K. S.
Venkataraman, Shri R.
Venkatareddy, Shri P.
Venkatasubbaiah, Shri P.
Verma, Shri Brijlal
Verma, Shri Hargovind
Verma, Shri R. L. P.
Verma, Shri Sukhdeo Prasad
Yadav, Shri Hukmdeo Narain
Yadav, Shri Jagdambi Prasad
Yadav, Shri Ramji Lal
Yadav, Shri Sharad
Yadav, Shri Vinayak Prasad
Yadav, Shri Roop Nath Singh
Yadvendra Dutt, Shri
Yuvraj, Shri
Zulfiquarullah, Shri

NOES

Basu, Shri Dhirendranath
Chandrappan, Shri C. K.
Kodiyan, Shri P. K.
Krishnan, Shrimati Parvathi
Nair, Shri M. N. Govindan

MR. SPEAKER: Subject to correction, the result* of the division is:

Ayes: 375; Noes: 5

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

Clause 11 was added to the Bill.

MR. SPEAKER: Now, Mr. Vayalar Ravi has made a suggestion that the last voting by machine be reserved for the Third Reading.

It is better if we distribute chits hereafter.

AN HON. MEMBER: No, Sir. It will take time.

MR. SPEAKER: There is no other way. The machine can take only one more. There is no other way.

Let us proceed.

Before I put Clause 35 to the vote of the House, this being a Constitution (Amendment) Bill, voting has to be by Division.

The question is:

"That Clause 35 stand part of the Bill."

Now, Division.

We are distributing chits.

SHRI VASANT SATHE: The machine will be all right by tomorrow morning so that we can take it up tomorrow morning. This will be coming up even before the other business starts. (*Interruptions*).

श्री हुकम चन्द कछवाय: (उज्जैन): आज सुबह दो घंटे खराब कर दिए, इसलिए वोटिंग आज ही होनी चाहिए और अभी होनी चाहिए। इनका कोई भरोसा नहीं है। ... (व्यवधान) ....

SHRI KRISHNA CHANDRA HALDER: We may adjourn the House and we may take this up tomorrow. All of us are exhausted.

SHRI R. VENKATARAMAN: Third Reading can be held over for tomorrow.

MR. SPEAKER: I will put it again.

Now, the question is:

"That Clause 35 stand part of the Bill."

19.00 hrs.

Now there will be division by distribution of 'Aye' and 'No' slips in accordance with Rules 367AA of the Rules of Procedure and Conduct of Business in Lok Sabha. Rule 367AA provides as under:

"367AA. (1) Where the Speaker directs under clause (c) of sub-rule (3) of rule 367 that the votes shall be recorded by members on 'Aye' and 'No' slips, the Division Clerks shall supply to each Member at his seat, an Aye' or 'No' slip, according to the choice indicated

*The following Members also recorded their votes:—

AYES: Sarvashri Chand Ram, Anant Dave, Mritunjay Prasad, Urgrasen, Ratansinh Rajda, Hari Vishnu Kamath, C. N. Visvanathan, Vayalar Ravi, K. P. Unnikrishnan, Nanasahib Bonde, P. V. G. Raju, Sudhir Ghosal and Shrimati P. Chavan.

NOES: Shri K. A. Rajan.

by him. A Member shall record his vote on the slip by signing and indicating his Division Number thereon.

(2) After the Members have recorded their votes, the Division Clerks shall collect the 'Aye' and 'No' slips and bring them to the Table where the votes shall be counted by the officers at the table and the totals of 'Ayes' and 'Noes' presented to the Speaker.

(3) The result of the Division shall be announced by the Speaker and it shall not be challenged.

A single slip will be given to each Member which is printed on both the sides. The side on which matter is printed in green ink is meant for recording of votes for 'Ayes' and that printed in red ink for recording of votes for 'Noes'. Members are requested to put their signatures and write legibly the following details on the slip:

(1) Name

(2) Division Number.

The chits will be distributed now.

THE MINISTER OF STEEL AND MINES (SHRI BIJU PATNAIK): This will take at least half an hour or more. I would suggest that if you adjourn the House for half an hour, the machine would cool down by that time..... (*Interruptions*)

SEVERAL HON. MEMBERS: Tomorrow.

MR. SPEAKER: Is it the pleasure of the House that the rest of the balloting should be done tomorrow morning....

SHRI SHANTI BHUSHAN: It must be taken today.

MR. SPEAKER: It will go upto 12 O'clock.

SHRI SHANTI BHUSHAN: It must be completed today, whatever may be the time; otherwise it will not be possible.

MR. SPEAKER: I am prepared.

We will do it today.

श्री राज नारायण (रायबरेली): श्रीमन् हमारा पॉइन्ट आफ़ आर्डर यह है कि यह कांस्टीट्यूशन अमेंडमेंट बिल है। जो इलेक्टर्स ने अपने रिप्रिजेन्टेटिवज़ को लोक सभा में भेजा है उनको पूरा हक है जानने का कि हमारे रिप्रिजेन्टेटिव ने कहां वोट दिया है। इसलिए आप की जो मशीन खराब है और बार बार...

अध्यक्ष महोदय: मेरी मशीन खराब नहीं हुई है मेरी मशीन ठीक है।

श्री राज नारायण: कांस्टीट्यूशन अमेंडमेंट में इतनी हरी और गैंग करके वोटिंग नहीं लेनी चाहिए। तमाम लोग खड़े हैं जाने के लिए और आप कहते हैं कि हम आज ही वोटिंग लेंगे। यह संसदीय प्रथा के खिलाफ है।

MR. SPEAKER: The House has already agreed to finish it today.

SHRI SAUGATA ROY: Sir, we will have it tomorrow. We cannot wait up to 10.00 p.m..... (*Interruptions*)

SHRI RAVINDRA VARMA: We will agree if the House agrees to take it up tomorrow morning at 11.00 O'clock before any other business is taken up..... (*Interruptions*)

MR. SPEAKER: So far as voting on this Clause is concerned, the slips have already been distributed; we will go by the slips. One more balloting is possible on the machine. We will have that. Thereafter, we will have it tomorrow at 11.00 a.m. Tomorrow's question hour will be shifted to Wednesday next; you must agree to that.

SOME HON. MEMBERS: Yes, everything tomorrow.

AN HON. MEMBER: Why not today?

MR. SPEAKER: Our Muslim friends are on fast, we cannot keep them for long.

SHRI C. M. STEPHEN: Sir, everybody is in a terriffic confusion as to what is going on. May I just submit, we will not be able to complete it today. Let this clause also be taken up tomorrow.

MR. SPEAKER: Not this clause.

SHRI C. M. STEPHEN: Counting will take such a long time.

MR. SPEAKER: It will be over in another five minutes. Both the Leader of the House and the Minister of Parliamentary Affairs have said that this voting may be cancelled, and may be held tomorrow. Is that the pleasure of the House?

HON. MEMBERS: Yes.

MR. SPEAKER: The Calling Attention that is listed for tomorrow will be taken up after the voting. Also, it is understood that tomorrow we will not take another two hours in the morning on other things.

श्री राज नारायण : श्रीमन् अगर आप चाहते हैं कि आज ही वोटिंग हो और दो, तीन घंटे में खत्म करना चाहते हैं तो नहीं होगा क्योंकि थर्ड रीडिंग में हम टाइम लिमिट नहीं मानेंगे ।

GMGIPND—M—2444 L.S.—

19.10 hrs.

STATEMENT RE. BONUS

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): The demand for restoration of the minimum bonus which workers enjoyed before the emergency came up as a natural consequence of the demand to right the wrongs of the Emergency; and it was decided in August of last year to restore the minimum bonus of 8.33 per cent for the accounting year 1976, subject to the provisions of the Payment of Bonus Act which empowered Government to protect marginal and sick units.

Since then, requests have been received from various quarters for amendment of the Payment of Bonus Act, 1965 in certain respects. These include restoration of the original provisions of Section 34, deletion altogether of Section 34, making the 1977 amendment a permanent feature of the Act, extension of the Act to new areas; and changes in the formula for computation of bonus. Some proposals have also been made to consider the conversion of a part of the Bonus or the whole to retirement benefits, unemployment relief and the like. It is the intention of Government to study these proposals closely and to have consultations with the interests concerned before introducing permanent changes in the Act.

Meanwhile, in view of the onset of the festival season, it has been decided that the *status quo* should be maintained for one more year. Accordingly, steps are being taken to continue the pattern of bonus payments urescribed in the Amendment Act of 1977, namely, for an 8.33 per cent minimum bonus regardless of profit to be paid for the accounting year commencing on any day in the year 1977.

19.15 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, August 23,1978/Bhadra 1, 1900 (Saka).